

# Cabinet

## Agenda

**MONDAY**  
**15 JANUARY 2024**  
**7.00 pm**

**MAIN HALL**  
**FIRST FLOOR**  
**3 SHORTLANDS**  
**LONDON W6 8DA**

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**Date Issued**  
**05 January 2024**

### Membership

Councillor Stephen Cowan, Leader of the Council  
Councillor Ben Coleman, Deputy Leader  
Councillor Rebecca Harvey, Cabinet Member for Social Inclusion and  
Community Safety  
Councillor Bora Kwon, Cabinet Member for Civic Renewal,  
Councillor Alex Sanderson, Cabinet Member for Children and Education  
Councillor Wesley Harcourt, Cabinet Member for Climate Change and  
Ecology  
Councillor Andrew Jones, Cabinet Member for The Economy,  
Councillor Frances Umeh, Cabinet Member for Housing and  
Homelessness  
Councillor Rowan Ree, Cabinet Member for Finance and Reform  
Councillor Sharon Holder, Cabinet Member for Public Realm

If you require further information relating to this agenda please contact:  
Katia Neale, Committee Coordinator, tel: 07776 672 956 or email:  
[katia.neale@lbhf.gov.uk](mailto:katia.neale@lbhf.gov.uk)

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website: [www.lbhf.gov.uk/councillors-and-democracy](http://www.lbhf.gov.uk/councillors-and-democracy)

### PUBLIC NOTICE

The Cabinet hereby gives notice of its intention that it may want to hold part of this meeting in private to consider the exempt elements of items **4-14** which are exempt under paragraph 3 of Schedule 12A to the Local Government Act 1972, in that they relate to the financial or business affairs of any particular person, including the authority holding the information.

The Cabinet has received no representations as to why the relevant part of the meeting should not be held in private.

**Members of the Public are welcome to attend but spaces are limited. To register for a place please contact [katia.neale@lbhf.gov.uk](mailto:katia.neale@lbhf.gov.uk). Seats will be allocated on a first come first serve basis. A loop system for hearing impairment is provided, together with disabled access to the building.**



### **Shortlands**

3 Shortlands,  
Hammersmith,  
London W6 8DA

 **Closest Underground Station**  
Hammersmith

 **Closest Bus Stop**  
Latymer Court (Stop G)

### DEPUTATIONS

Members of the public may submit a request for a deputation to the Cabinet on item numbers **12-14** on this agenda using the Council's Deputation Request Form. The completed Form, to be sent to Katia Neale at the above address, must be signed by at least ten registered electors of the Borough and will be subject to the Council's procedures on the receipt of deputations. **Deadline for receipt of deputation requests: Wednesday 10 January 2024.**

### COUNCILLORS' CALL-IN TO SCRUTINY COMMITTEES

A decision list regarding items on this agenda will be published by **Tuesday 16 January 2024**. Items on the agenda may be called in to the relevant Accountability Committee.

The deadline for receipt of call-in requests is: **Friday 19 January 2024 at 3.00pm**. Decisions not called in by this date will then be deemed approved and may be implemented.

A confirmed decision list will be published after 3:00pm on **Friday 19 January 2024**.

# Cabinet Agenda

15 January 2024

<u>Item</u>	<u>Pages</u>
1. <b>MINUTES OF THE CABINET MEETING HELD ON 4 DECEMBER 2023</b>	6 - 10
2. <b>APOLOGIES FOR ABSENCE</b>	
3. <b>DECLARATION OF INTERESTS</b>	
<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
4. <b>TEACHING COMMISSION</b>	11 - 53
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6. <b>COUNCIL TAX SUPPORT SCHEME 2024/25</b>	69 - 225
7. <b>COUNCIL TAX BASE AND COLLECTION RATE 2024/25 AND DELEGATION OF THE BUSINESS RATE ESTIMATE</b>	226 - 234

8.	<b>CAPITAL PROGRAMME MONITOR &amp; BUDGET VARIATIONS, 2023/24 (SECOND QUARTER)</b>	235 - 260
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10.	<b>ANNUAL EMERGENCY PLANNING &amp; BUSINESS CONTINUITY REPORT</b>	312 - 326
11.	<b>SERIOUS VIOLENCE DUTY - STRATEGY AND STRATEGIC NEEDS ASSESSMENT</b>	327 - 366
12.	<b>DECISION TO ACQUIRE LILLIE ROAD ROUGH SLEEPERS HOSTEL</b>	367 - 375

This report has one appendix which contains information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and is not for publication. The appendix has therefore been circulated to Cabinet Members only.

***Any discussions on the contents of an exempt appendix will require Cabinet to pass the proposed resolution identified at the end of the agenda to exclude members of the public and the press the proceedings for that discussion.***

13.	<b>ACQUISITION OF AFFORDABLE HOMES - QUAYSIDE LODGE</b>	376 - 386
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This report has two appendices which contain information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and are not for publication. The appendices have therefore been circulated to Cabinet Members only.

***Any discussions on the contents of an exempt appendix will require Cabinet to pass the proposed resolution identified at the end of the agenda to exclude members of the public and the press the proceedings for that discussion.***

14.	<b>AWARD OF THE HOME CARE AND INDEPENDENT LIVING SERVICE CONTRACTS</b>	387 - 422
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This report has one appendix which contains information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and is not for publication. The appendix has therefore been circulated to Cabinet Members only.

***Any discussions on the contents of an exempt appendix will require Cabinet to pass the proposed resolution identified at the end of the agenda to exclude members of the public and the press the proceedings for that discussion.***

15. FORWARD PLAN OF KEY DECISIONS

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16. DISCUSSION OF EXEMPT ELEMENTS (ONLY IF REQUIRED)

**LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION**

**Proposed resolution:**

*Under Section 100A (4) of the Local Government Act 1972, that the public and press be excluded from the meeting during the consideration of an item of business, on the grounds that it contains the likely disclosure of exempt information, as defined in paragraph 3 of Schedule 12A of the said Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.*

# Agenda Item 1

London Borough of Hammersmith & Fulham

# Cabinet Minutes



**Monday 4 December 2023**

*NOTE: This meeting was held remotely. A recording of the meeting can be watched at on YouTube at: <https://www.youtube.com/watch?v=Lqf8qJDfBPA>*

## **PRESENT**

Councillor Stephen Cowan, Leader of the Council  
Councillor Ben Coleman, Deputy Leader  
Councillor Wesley Harcourt, Cabinet Member for Climate Change and Ecology  
Councillor Andrew Jones, Cabinet Member for The Economy  
Councillor Sharon Holder, Cabinet Member for Public Realm  
Councillor Rebecca Harvey, Cabinet Member for Social Inclusion and Community Safety  
Councillor Bora Kwon, Cabinet Member for Civic Renewal  
Councillor Rowan Ree, Cabinet Member for Finance and Reform  
Councillor Alex Sanderson, Cabinet Member for Children and Education  
Councillor Frances Umeh, Cabinet Member for Housing and Homelessness

## **ALSO PRESENT**

Councillor Alex Karmel  
Councillor Genevieve Nwaogbe

### **1. MINUTES OF THE CABINET MEETING HELD ON 6 NOVEMBER 2023**

#### **RESOLVED:**

That the minutes of the meeting of the Cabinet held on 6 November 2023 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **3. DECLARATION OF INTERESTS**

Councillor Bora Kwon declared a non-pecuniary interest in respect of Item 5, The Temporary Relocation of Flora Gardens Primary School, as a Governor at the School. She considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

4. **H&F CORPORATE PLAN 2023 - 2026: A STRONGER, SAFER, KINDER BOROUGH FOR EVERYONE**

Councillor Rowan Ree introduced the report setting out the Council's values and vision over the short and medium term, building on the Business Objectives 2022/23 plan published in September 2022, which included a commitment to develop a longer-term plan.

Councillor Alex Karmel asked for an outline of the changes since the last Corporate Plan was put forward.

Councillor Ree replied that this Plan was largely based on the existing major policies, strategies and plans co-produced with residents and partners as well as key commitments made in the Administration's 2022 Manifesto. It included priorities such as law and order, keeping our streets safe, with the help of the LETs Team, Gangs Unit and CCTV operation. It also included promises to keep free Homecare and providing free breakfast for school children.

Councillor Karmel asked which areas would have a revenue expenditure increase and which ones would have a decrease.

The Leader explained the development, successes, and challenges of the Corporate Plan. He replied that despite the reduction in the Council's budget not only no services had been cut but more had been provided. This had been achieved by using new technologies and work practices to make savings and put that back into services. Their actual budget was being finalised and would be put forward shortly for consultation via the Policy and Accountability Committees.

Councillor Karmel noted that Imperial West was excellent for the Borough, and added that he would be looking closely at the budget.

**AGREED UNANIMOUSLY BY THE CABINET MEMBERS:**

That Cabinet:

1. Adopts the H&F Corporate Plan 2023 – 2026 (A Stronger, Safer, Kinder Borough for Everyone) as the overarching strategic plan for the Council.
2. Endorses the approach to report annually to Cabinet on progress against delivery of the Plan.
3. Notes that any new council initiatives set out within the Plan will be subject to the normal governance, budget setting and decision-making processes of the Council before they are enacted, as set out in the constitution and relevant legislation.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

**Note of dispensation in respect of any declared conflict of interest:**

None.

**5. THE TEMPORARY RELOCATION OF FLORA GARDENS PRIMARY SCHOOL**

Councillor Bora Kwon declared a non-pecuniary interest as a Governor at Flora Gardens Primary School. She considered that this did not give rise to a perception of a conflict of interests and, in the circumstances it would be reasonable to participate in the discussion and vote thereon.

Councillor Alex Sanderson stated that the Council was committed to give young people the very best start in life so that they could learn and grow in the right environment that was conducive to learning. This paper was seeking approval for the temporary relocation of Flora Gardens Primary School to the Lena Gardens site following its refurbishment, and fund the allocation and support cost to assist Flora Gardens with the temporary move to the Lena Gardens site.

Councillor Karmel asked how long would the decant last and the relocation take place.

Councillor Sanderson replied that they were hoping that the Lena Gardens site would be ready for the students by the following summer holidays. This was only a temporary relocation.

Councillor Andrew Jones added that they were still looking for options for the redevelopment of the school in the long term, but this report only related to moving the school out of unsuitable accommodation.

The Leader reiterated that this paper was only requesting approval for the temporary relocation of Flora Gardens Primary School and further reports would come back for approval setting up the exact timeline and next steps. A procurement process would also need to be carried out. Further plans were being developed and would go to the Policy and Accountability Committees.

Councillor Karmel stated that the relocation was likely to impact on the children's education and it would be useful to know the timescale. He asked for an assurance that extra support would be provided to the pupils to minimise the impact.

The Leader assured that the Council not only prioritised children and education but had also added extra services, such as offering free school breakfast and lunch, and was fortunate to have great teachers. They were determined that no child would fall behind with their education and had a school that was fit for



purpose. He added that the school had asked for the refurbishment, and the Council was working with them to find the best possible standards for children and to minimise disruption.

**AGREED UNANIMOUSLY BY THE CABINET MEMBERS:**

1. To approve the temporary relocation of Flora Gardens Primary School to the Lena Gardens site, following refurbishment of Lena Gardens.
2. To approve £200,000 S106 contributions to fund relocation costs associated with the disruption as a result of the temporary move of Flora Gardens Primary School to the Lena Gardens Site.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

**Note of dispensation in respect of any declared conflict of interest:**

None.

**6. LBHF COMPANIES UPDATE**

Councillor Ree stated that as the Commercial Revenue Committee had been abolished, Cabinet would now receive regular updates on the status and purposes of the Council's companies.

Councillor Karmel asked about the performance of the four companies at the end of the financial year.

Councillor Ree replied that they were all currently performing as expected. He would forward Councillor Karmel further information.

The Leader added that the Audit Committee would be the correct forum to discuss the companies' financial position, not at a public Cabinet meeting.

**AGREED UNANIMOUSLY BY THE CABINET MEMBERS:**

1. To note that Appendices 1-9 are not for publication on the basis that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. To note the status of the companies.

**Reason for decision:**

As set out in the report.

**Alternative options considered and rejected:**

As outlined in the report.

**Record of any conflict of interest:**

None.

**Note of dispensation in respect of any declared conflict of interest:**

None.

**7. FORWARD PLAN OF KEY DECISIONS**

The Key Decision List was noted.

**8. DISCUSSION OF EXEMPT ELEMENTS (ONLY IF REQUIRED)**

There was no discussion of exempt elements.

Meeting started: 7.06 pm  
Meeting ended: 7.35 pm

Chair .....

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** The Teaching Commission Report

**Report of:** Councillor Alex Sanderson, Cabinet Member for Children and Education

**Report author:** Peter Haylock, Operational Director of Education and SEND

**Responsible Director:** Jacqui McShannon, Strategic Director for Children's Services

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### SUMMARY

This is a covering report accompanying the findings and recommendations of the London Borough of Hammersmith and Fulham's (LBHF) Teaching Commission. The commission launched in 2020 and their recommendations follow extensive research and engagement with stakeholders. The Teaching Commission is chaired by Denise Fox, a lifelong Fulham resident and a Headteacher who taught in the borough for 40 years.

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### RECOMMENDATIONS

1. For Cabinet to note and comment on the recommendations produced by the Teaching Commission. The Teaching Commission report is attached as Appendix A.

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**Wards Affected:** All

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	The recommendations have been produced based on findings from internal and external stakeholders. The Teaching Commission consists of residents, volunteers, local teachers and education experts.
Creating a compassionate council	The recommendations propose how H&F schools can benefit from strategies emphasising well-being, retention and recruitment.
Doing things with local residents, not to them	The recommendations explore imaginative and innovative ways to

	attract, support and retain teachers who wish to work in Hammersmith and Fulham.
Being ruthlessly financially efficient	The recommendations discuss key factors such as well-being, retention and recruitment which all contribute to financial stability in schools.
Taking pride in H&F	A key driver for the report was an acknowledgement of the many challenges facing the profession. The recommendations aim to support the retention of LBHF school staff to the benefit of all schools.
Rising to the challenge of the climate and ecological emergency	The challenges of tackling the climate crisis have been acknowledged within the report.

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### Financial Impact:

The recommendation asks Cabinet to note and comment on the Teaching Commission's recommendations and findings.

There are no direct financial implications arising from this decision. Further decision reports will be required as the Council seeks to respond to the recommendations made. The financial impact, including the costs and funding and any financial opportunities and risks, specific to each decision will be set out at that time.

Tony Burton, Head of Finance, Children's Services & Education, 27 November 2023  
Verified by Sukvinder Kalsi, Strategic Director of Finance, 4 January 2024.

### Legal Implications:

This report recommends that the Cabinet notes the recommendations of the Teaching Commission to shape the future of teaching. As there is no recommendation, at this stage, to implement any of the recommendations there are no legal implications.

Angela Hogan, Chief Solicitor (Contracts and Procurement) 16 November 2023.

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## DETAILED ANALYSIS

1. **Aims:** The aims of the Teaching Commission are clear:

- Understand the crucial questions it needs to ask in order to explore the challenges impacting the recruitment and retention of teachers both locally and nationally.

- Bring a broad range of expertise to questions about teacher recruitment and retention in H&F.
- Gather evidence through primary and secondary research to inform the debate.
- Produce a set of recommendations for the council.

2. **Several Recommendations have been raised within the Teaching Commission Report. These are:**

**2.1 Recommendations for Government**

- The Commission acknowledges this issue is a national one and that it has limited powers to influence change. This national issue of fair pay is one that sits with central government in order review fair pay for all teachers and support staff.

**2.2 Recommendations for Hammersmith & Fulham Council**

The Teaching Commission made several recommendations:

- The Local Authority Learning Partnership in conjunction with representatives from member schools should continue to facilitate a range of CPD courses for schools within the partnership, for example focusing on equality, diversity and inclusion and unconscious bias.
- The Local Authority expand the Educational Psychology Traded Offer of supervision beyond the ELSA and Safeguarding roles to provide support to all staff dealing with emotional issues raised by pupils, particularly where staff are acting as trusted adults to young people who are disclosing complex emotional difficulties.
- The Local Authority should expand the mental health aider programme.
- The Local Authority Learning Partnership should coproduce a draft wellbeing strategy with representatives from member schools which schools can adopt, ensuring consistency across all schools within H&F.
- A directory for staff redundancies should be created through the Learning Partnership, linked to the H&F schools recruitment website, for teaching and office staff to support retention in the borough.
- The H&F Home Buy service should be promoted and publicised more widely through schools to ensure all staff are more aware of the offer and how to access it.
- The H&F Home Buy rental offer be developed as a matter of urgency to allow for a greater volume of alternatives to homeownership in the borough.
- The opportunity to repurpose public assets as affordable accommodation for teachers should be pursued, for example school lodges.

- The Local Authority should facilitate negotiations with H&F maintained nursery settings that offer the full day provision with wraparound care to provide reduced rates for payable fees to school staff. This offer to staff should include the H&F PVI's offering full day care where they are financially robust and judged to be good or outstanding by Ofsted.
- Term time only childcare provision should be explored when considering affordability.
- Hammersmith and Fulham to carry out an audit of the teacher training partnerships to assess the quality of integration of delivery between the provider and their placement schools.
- Flexible working be recognised as part of the health and wellbeing agenda to support staff, encouraging schools to promote job sharing opportunities and improved flexible working particularly in light of the increasing trend towards Federation.
- Where nursery provision is available on-site at the primary phase, preference should be given to education-based staff to access on a first-come-first-served basis.
- The keyworker parking permit scheme should be seriously considered to ensure the charge is equitable to other permits for key worker professionals such as doctors. This offer should also be made permanently available for teaching and support staff.

### **2.3 Recommendations for Hammersmith & Fulham Nurseries, Schools and Colleges**

- Schools should explore opportunities for promotion, with a consideration for both leadership roles and subject specialisms, particularly in light of the increasing trend towards Federation.
- All H&F schools should implement a comprehensive health and wellbeing strategy outlining support available for staff and signposting for further support available and are encouraged to identify a named Mental Health Lead within the setting.
- Schools should consider implementing the Mental Health First Aider programme locally to train staff to support colleagues in managing low level issues and signposting for further support available.
- Schools should consider joining the Education Support [Employer Assistance Programme](#)
- Any locally implemented measures to address teacher and support staff parking should be linked to the school travel plans to encourage green travel, and facilities should be made equitable across all schools for example sharing on-site facilities across multiple settings in close proximity.

- Schools and academies in the Borough are encouraged to focus their placements on a limited number of providers that can become strategic partners of the Borough.
- All schools and academies are incentivised to provide placements, by exploring opportunities to explore pooling the resources for managing them, and for mentoring trainees.

#### **2.4 Recommendations for Hammersmith & Fulham School Governing Bodies**

- Within their core functions for strategic planning, overseeing performance and holding the school leadership to account, school governing boards should promote and monitor opportunities for continued professional development by teaching staff.

### **3. Equality Implications**

It is not anticipated that the proposed recommendations will impact negatively on protected groups under the Equality Act 2010. Further decision reports outlining equality implications will be required as the Council seeks to respond to the recommendations made.

### **4. Risk Management Implications**

The recommendations outlined in the Teaching Commission's report will need to be evaluated against a number of areas including ease of implementation, cost and time, benefit and risk.

### **5. Climate and Ecological Emergency Implications**

There are no direct climate and ecology implications from noting the recommendations. As the Council seeks to respond to the recommendations, further decision reports outlining carbon and ecological implications will be required.

Verified by Hinesh Mehta, Assistant Director Climate Change, 27/11/2023

## **LIST OF APPENDICES**

Appendix A: The Teaching Commission Full Report (separate attachment).

# Report of the Hammersmith & Fulham Teaching Commission







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## Foreword

Before the global pandemic, England's school system was facing severe challenges in recruiting and retaining teachers. There were several reasons which were noted in all educational literature; some of which the schools had control, while other reasons were in the control of the government. Some of the reasons were a student bulge hitting secondary schools, below targets for teacher recruitment into teacher training courses, exit rates were more severe in shortage subjects such as maths, sciences and languages and uncompetitive pay. Other reasons cited were workload, student behaviour and government targets.

All of these reasons put a significant strain on school leaders and most importantly threatened the quality of education delivered to the children and young people. With this in mind, the Teaching Commission was formed, and a vision was drawn up by its members. The commission wants to guarantee that Hammersmith & Fulham educational establishments have the best teachers to offer the best education.

Schools have a particularly important role to play within the borough by improving children's and young people's opportunities and life chances. The commission can only do this by working closely and in collaboration with the local nurseries, schools and sixth form by providing opportunities to enable the best skilled teachers to stay, to recruit new staff who will in turn deliver an outstanding, high-quality education that our children deserve.

As part of our work, we surveyed and spoke to the staff employed in our educational settings. The staff who contributed had different experiences and issues, but all were adamant in their love for teaching and were extremely dedicated to the students in their care.

We concluded from our findings that the key issues could be broken down into national and local factors. The national factor being teacher pay. We can only suggest to the Government that they must continue to collaborate with school leaders to ensure they have the support and funding schools need to make a lasting difference. The local recommendations fall into several areas: Teacher Training/CPD and Personal Development, Health and Wellbeing, Flexible Working, Housing, Childcare, Parking and Job satisfaction.

We firmly believe the Local Authority, local education settings, and school governing bodies can influence and act upon these recommendations from the workforce and take on board their concerns and suggestions. Our evidence has shown that focusing on recruitment and retention is crucial. Making teaching an attractive and rewarding profession to enter as well as stay in is one of the keys to building and maintain a pipeline of motivated and skilled teachers.

I would like to thank all the commissioners who contributed to the commission, their input has been invaluable. Massive appreciation and thanks to all the staff who completed the survey and who were interviewed; their experiences, ideas and insights have been instrumental in shaping this report.

Denise Fox



## 1. Introduction

Hammersmith & Fulham is committed to ensuring that every child in Hammersmith & Fulham has the opportunity to fulfil their potential.

While educational outcomes in Hammersmith & Fulham are some of the best in the country, there are many challenges facing the profession. The Teaching Commission was established to provide insight into the help needed to overcome these barriers and ensure that our children continue to be inspired by incredible, dedicated staff long into the future.

Teacher retention is a major issue in many developed countries. According to the 2018 edition of the OECD TALIS survey<sup>1</sup>, on average, almost 15% of teacher age 50 or less want to leave teaching within the next five years. In England, this figure is above the OECD average, at 22%. This survey also shows that England's teachers are the second most stressed among OECD countries.<sup>2</sup> Sorensen and Ladd (2020) show that high rates of teacher turnover create a vicious cycle leading to lower quality teaching and lower student achievement.<sup>3</sup>

Teacher attrition and turnover are especially problematic in disadvantaged schools as they have a harder time both recruiting and retaining teachers. Evidence shows that high staff attrition rates are disruptive for schools and have negative impacts on pupils' achievement.<sup>4</sup> The unequal exposure to this issue further contributes to persistent educational inequalities.<sup>5</sup>

This resident led Commission was chaired by Denise Fox, former Head Teacher of Fulham Cross Girls and lifelong Fulham resident, and its membership included academics within the field of education policy; researchers, practitioners and managers in the field of widening access to higher education; former UK Minister for Schools; and esteemed local Headteachers and teachers. The membership was as follows:

1 <https://stats.oecd.org/index.aspx?queryid=97209>

2 <https://schoolsweek.co.uk/englands-teachers-cant-get-no-satisfaction-talis-finds/>

3 <https://journals.sagepub.com/doi/full/10.1177/2332858420905812>

4 <https://journals.sagepub.com/doi/full/10.1177/2332858420905812>

5 <http://ftp.iza.org/dp14096.pdf>

## Commission Chair

- **Denise Fox**, former Head Teacher of Fulham Cross Girls

## Lead Commissioners

- **Dr Graeme Atherton**, founder and leader of both AccessHE and NEON.
- **Asma Benhenda**, Research Fellow at the Centre for Education Policy and Equalising Opportunities.
- **Dave Collins**, Executive Headteacher Brackenbury Primary School, Kenmont Primary and Wendell Park Primary School Partnership.
- **Lord Jim Knight**, former UK Minister for Schools and Chief Education Adviser at TES Global.
- **Professor Lindsey Macmillan**, Professor of Economics and Director of the UCL Centre for Education Policy and Equalising Opportunities.

## Contributing Commissioners

- **Michelle Copeland**, English Teacher at Phoenix Academy and lifelong resident of Hammersmith & Fulham.

## Terms of Reference

The Teaching Commission set out to:

- Identify the scale and underlying reasons preventing Hammersmith & Fulham's schools and colleges recruiting and retaining teaching staff, based on all available data and intelligence presented.
- Consider a wide definition of the teaching workforce when reviewing available evidence and making recommendations.
- Conduct a review of the available literature and good
- Practice on teacher recruitment and retention, drawing on studies and commissions from elsewhere in London and the UK, and, where directly relevant, internationally.
- Call for written evidence from leading experts, policy makers and practitioners and explore this through a series of thematic oral hearings.

- Call for evidence from local schools and wider education sector, directly engaging a broad range of stakeholders, including teachers, governors, unions, parents/carers and students.
- Make recommendations to the Council and stakeholders in the education sector on how best to recruit and retain the best teachers and school staff in the borough.
- Propose interventions and potential service redesigns for implementation locally, or more widely, that will help realise the vision.

The Commission met every 6 weeks, supported by lead council officers and experts in the field.

The Commission was launched in November 2020 and immediately embarked on a literature review of international, national and London wide evidence which explored issues affecting the profession, with the view to understand the specific issues impacting Hammersmith & Fulham teachers. The evidence gathered was used to inform a survey to build an accurate picture of the challenges facing teachers locally.

In May and June 2021, the Commission launched a call for evidence via a survey to gather the views of teaching staff in Hammersmith & Fulham – to understand what attracted teachers to the profession, the factors most beneficial in retaining them in the profession and what they considered to be most important to them in the professional lives. The Commission assessed the formal evidence and drew conclusions, supported by findings from the literature review, to inform the lines of enquiry.

To further understand the challenges facing the workforce, a series of further verbal evidence sessions took place in October 2021.

From October to January 2022, the Commission began to shape and formulate its recommendations, having gathered a wide range of evidence from across all aspects of the profession. This involved reviewing the draft report to understand which recommendations could be implemented with immediate effect, which needed further work, and which need to be implemented over a period of time to fit in with commissioning cycles, budget considerations and the political cycle.



## 2. The Vision

We simply want Hammersmith & Fulham to be the best borough in London for teaching; from nursery right through to further education.

With teacher recruitment and retention becoming more challenging across London, we want to ensure our borough's students continue to be taught and supported by the very best teachers and school support staff, throughout their years in education.

We want our teachers to support each child to fulfil their academic potential and for every child to be nurtured to be "the best they can be".

We want our students to leave education as highly qualified, confident, young people ready to follow a purposeful and fulfilling path in life.

The commission have looked at imaginative and innovative ways to attract, support and retain teachers who wish to work in this amazingly vibrant and diverse borough, focusing on six themes:

1. Teacher Training
2. CPD and Personal Development
3. Health and Wellbeing Flexible Working
4. Housing
5. Childcare
6. Parking



### 3. What do we already know?

From February to March 2021, commissioners conducted a literature review of the main issues in teacher recruitment, internationally, nationally and within London. This review examined data, analysis and trends available to enable the commission to build an accurate picture of the issues impacting recruitment and retention within the teaching profession broadly.

The literature review highlighted several baseline factors impacting on recruitment and retention which are explored in the following.

#### How are teachers recruited?

There are a number of routes into teaching: the 'School Direct' path, focused on being paid to train within schools; and the traditional Postgraduate Certificate in Education (PGCE), which is based at universities, the Teach First Leadership Development Programme and, since 2018/19, the Postgraduate Teaching Apprenticeship (PGTA). Finally, there is the School-Centred Initial Teacher Training (SCITT) route where schools

work together to deliver a training programme in partnership with a specific provider. With the School Direct route most trainee teachers are paid a salary (there is also a School Direct fee paying option which some schools offer), work specifically in the school and gain more practical, hands-on preparation overseen by experienced teachers. Applicants require three years' paid work experience in any occupation. Both the PGCE and SCITT routes are non-salaried. The Teach First Leadership Development Programme and the postgraduate teaching apprenticeship (PGTA) are also salaried. With the PGCE route the students undertake more academic reflection as well as placements in different schools.

Those undertaking the PGCE and SCITT are also eligible for tuition and maintenance loans with bursaries/scholarships available for those following these routes in specific subject areas. Looking at the national data the majority of new entrants into the profession come through school led routes. In 2019-10 just over 50% of teachers were recruited through school based routes with the remainder via higher education.

## How are teachers in London recruited?

As Table 1 below shows, recruitment in London compares closely to the national picture.<sup>6</sup> However, the percentage progressing via the SCITT route is less than half of the national percentage while School Direct salaried is far higher, as is Teach First.

**Table 1: Recruitment to ITT by route in London 2019/20**

Route	No	% London	%national
Higher Education Institution	2570	46	45
School Centred ITT	253	5	13
School Direct (fee-funded)	1074	19	27
School Direct (salaried)	1044	18	8
Teach First	641	12	6
Postgraduate Total	5647	100	100

The route by which teachers are recruited is not the only way in which recruitment (and retention) differs between London and the rest of England. Where teacher vacancies are concerned, for instance, around 29% of schools in the most disadvantaged areas outside London reported difficulties in filling teaching posts while this percentage increased to 46% in the most disadvantaged areas inside London. Locally to Hammersmith & Fulham, 15% of schools reported a vacancy or temporarily filled post in 2019. The report also shows clearly how the London teaching workforce is less experienced than that the national workforce especially in high FSM intake schools.<sup>7</sup> However, research produced by the NFER in 2018<sup>8</sup> shows that London has more new entrants to its teacher workforce each year than in other large cities and the rest of England, driven by a greater proportion of newly qualified teachers (NQTs). But these new teachers are not enough to replace the many teachers who leave teaching in London each year.

## How is teacher training changing?

Teacher training has evolved significantly in the last twelve years.

For some time after the 1944 Education Act, teacher training was overseen by local education authorities through teacher training colleges. For Hammersmith & Fulham, this function was carried out by the Inner London Education Authority until its abolition in 1990, by which time the colleges had been subsumed into polytechnics. By 2010 these had become universities, and the vast majority of initial teacher education (ITE) was led by higher education (HE).

The first major disruption to HE's role in ITE was the formation of Teach First in 2002. This is a very different model of trainees learning on the job after a very brief intensive summer school. It has attracted bright graduates into the profession with a strong sense of social purpose, but with a low retention rate and less of a grounding in pedagogic theory. Teach First started, and is particularly popular, in London.

From 2010 the Government accelerated this move away towards training on the job in training schools. Teach First, School Direct, Teaching Apprenticeships and School Centred Initial Teacher Training (SCITTs) now together account for 50% of training places in London.

This shift is likely to continue as the Department for Education tries to rationalise the number of teacher training providers through its market review.<sup>9</sup> Providers are currently being reaccredited by Ofsted, as they implement the DfE's new core content framework and Ofsted their new inspection framework. This is creating some uncertainty of provision in the short term.

These developments coincide with a welcome new focus on the early years of a teacher's career, in the form of the Early Careers Framework (ECF). This effectively extends the post graduate route to two years of training with a consistent level of support and mentoring. ECF has been rolled out from September 2021, and it is too early judge its success in practice.

<sup>6</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/848851/ITT\\_Census\\_201920\\_Main\\_Text\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/848851/ITT_Census_201920_Main_Text_final.pdf)

<sup>7</sup> <https://www.london.gov.uk/what-we-do/education-and-youth/teach-london>

<sup>8</sup> [https://www.nfer.ac.uk/media/2668/teach-london-report\\_glts.pdf](https://www.nfer.ac.uk/media/2668/teach-london-report_glts.pdf)

<sup>9</sup> <https://www.gov.uk/government/publications/initial-teacher-training-itt-market-review/initial-teacher-training-itt-market-review-overview>



Against this background of current change, the evidence remains that effective training requires a balance between learning theory and practice, and in applying the principles of metacognition with good mentorship. That requires good partnerships between universities and schools, and good supply of mentors and a consistent level of training and support for teachers through the early years of their professional practice.

## What are the drivers of teacher retention?

The evidence suggests there are three main issues shaping teacher retention overall:

### Economic conditions

Teacher retention is responsive to wages and the general local economic context. The local labour market conditions have an impact on teacher shortages as well as teacher quality (see Benhenda, 2020 for a discussion of this literature<sup>10</sup>). Higher regional unemployment decreases the probability of leaving teaching while during recessions, higher quality applicants apply to teaching positions, which results in higher teacher quality.

### Financial incentives

Following the publication of its Teacher Recruitment and Retention Strategy in 2019<sup>11</sup>, the government began awarding early-career payments for teachers (known as retention pay) as well as a student loan. There is no quantitative evidence on these two schemes yet, although Benhenda and Sims (forthcoming) are currently working on a research project assessing the impact of these schemes on teacher retention. In the US, policymakers have experimented by giving annual bonuses to teachers working in public secondary schools with high-poverty rates. Clotfelter et al. (2008) study a three-year incentive scheme in North Carolina awarding \$1800 to certified math, science and special education teachers working in public secondary schools with either high-poverty rates or low test scores. Results suggest that this bonus payment was sufficient to reduce mean turnover rates of the targeted teachers by

17%. Experienced teachers exhibited the strongest response to the program.<sup>12</sup>

However, the effect of such incentives seems to depend on the local economic context. In 2008, the San Francisco Unified School District introduced an overall salary increase of \$500-\$6,300, varying by placement on the salary schedule; a \$2,000 bonus for teaching in a hard-to-staff school; and retention bonuses of \$2,500 after the 4th year of teaching and \$3,000 after the 8th year of teaching. Hough and Loeb (2013) show that this intervention improved the school district's attractiveness within their local teacher labour market and increased both the size and quality of the teacher applicant pool.<sup>13</sup>

### Non-financial factors e.g. school leadership and behavioural policies

Research also suggests though that teacher mobility<sup>14 15</sup> is also more strongly related to pupils' characteristics, particularly race and achievement, than to salary. However, evidence on the impact of non-financial dimensions of teaching on retention is less well developed than the financial incentive literature.<sup>16</sup> Allen and Sims (2017), who analyse the National STEM Learning Network professional development courses in England and show there is a positive correlation between participating in this scheme and staying in the profession after two years.<sup>17</sup>

There is also a growing literature on the role of the working environment, and in particular, the role of school leadership in teacher retention. A recent TALIS report (2020).<sup>18</sup> found that supportive leadership and behavioural policies were the two factors most strongly associated with teacher retention. The importance of supportive leadership is consistent with earlier findings from the literature.<sup>19</sup> According to the Teacher Follow-Up Survey ran by the US census bureau, teachers identify the quality of administrative support as a key factor in decisions to leave a school. In addition, teachers point to the importance of school culture and collegial relationships, time for collaboration, and decision-making input—also areas in which the principal plays a central role.<sup>20</sup>

10 <https://repec-cepeo.ucl.ac.uk/cepeob/cepeobn4.pdf>

11 <https://www.gov.uk/government/publications/teacher-recruitment-and-retention-strategy>

12 <https://faculty.smu.edu/millimet/classes/eco7321/papers/clotfelter%20et%20al%2003.pdf>

13 <https://cepa.stanford.edu/content/can-district-level-teacher-salary-incentive-policy-improve-teacher-recruitment-and-retention>

14 <https://www.jstor.org/stable/pdf/3559017.pdf?refreqid=excelsior%3A25a50133175a73f749109a0bfaf50d76>

15 [https://www.jstor.org/stable/10.1086/666725?s eq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/10.1086/666725?s eq=1#metadata_info_tab_contents)

16 <https://www.mdpi.com/2227-7102/10/10/262/pdf>

17 <https://www.stem.org.uk/resources/eLibrary/resource/418071/improving-science-teacher-retention-do-national-stem-learning>

18 <https://files.eric.ed.gov/fulltext/ED604489.pdf>

19 <https://www.sciencedirect.com/science/article/pii/S0742051X99000402>

20 [https://learningpolicyinstitute.org/sites/default/files/product-files/Role\\_Principals\\_Addressing\\_Teacher\\_Shortage\\_BRIEF.pdf](https://learningpolicyinstitute.org/sites/default/files/product-files/Role_Principals_Addressing_Teacher_Shortage_BRIEF.pdf)

Finally, there is a growing recognition of the importance of induction programs. From September 2021, the government is funding an entitlement for all early career teachers in England to access high quality professional development at the start of their career. New teachers will now receive development support and training over 2 years instead of one. There are a few papers assessing similar inductions programs in other countries (the US and Netherlands), with inconclusive results.<sup>21</sup>

### Teacher retention in London

Research produced in 2018 by the NFER referred to above shows that London has a higher rate of young teachers leaving the profession than other large cities and the rest of England. Between 2010 and 2015 an average of 10.5 per cent of non-retiring teachers left teaching each year in London (around 4,000 teachers per year). This compares to the national average of 7.5 per cent.

The research also found that of NQTs who entered the workforce in 2011 that remained in the profession over the following four years, those who started their career in London were the least likely to remain in the profession by 2015. Around a third of primary (31 per cent) and secondary (34 per cent) NQTs left the profession within 4 years of entering the profession. This is seven and four percentage points higher than the respective national averages for primary and secondary NQTs. At both primary and secondary level, London is a net importer of teachers in their twenties (except for primary teachers age 25-29) and a net exporter of teachers at other ages, particularly those in their 30s and 40s.

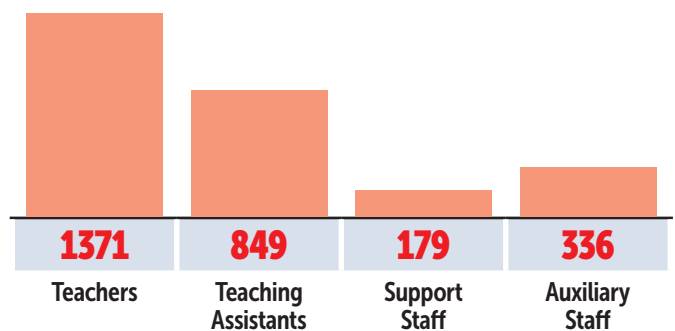
The most important factor driving low teacher retention in London is higher housing costs. The NFER analysis shows a clear relationship between local authority rent prices in London and the proportion of teachers age 40 or under who left the teaching profession in 2015. NFER identify five areas to address to support teacher recruitment and retention in London schools:

- Cost of living i.e. housing and childcare costs and examining how housing policy interventions could support teacher supply.
- Promoting of teachers’ positive experiences of working in London to aid recruitment across age groups

- Teacher Pay – recognizing though the limited room for manoeuvre here due to funding constraints.
- Flexible working – encourage young / potential families to stay by offering part time and flexible working
- Support and professional development with an emphasis on coaching, mentoring, utilising networks.

### Local Context: Hammersmith & Fulham

There are currently 2,684 school staff in Hammersmith & Fulham, excluding independent schools, with a pupil to teacher ratio of 16:1. This is slightly below the London ratio of 16.4:1. The below graph demonstrates the breakdown of teaching staff locally:



26% of teacher and 14.9% of teaching assistants are male, 36% are from black, Asian and minority ethnic background, and 12% are aged 50 and over. This information is largely reflective of the profession across London.

Nationally, increasing pupil numbers has placed an additional strain on the recruitment and retention of teaching staff. As stated in the recent research report by the Education Policy Institute (EPI) released in 2020 looking at teacher shortages in England:

“The teacher labour market in England is facing acute recruitment and retention challenges. This is partly driven by the fact that the number of pupils has been on the rise in recent years.”<sup>22</sup>

21 <https://ies.ed.gov/ncee/pubs/20104027/pdf/20104028.pdf>

22 [https://epi.org.uk/wp-content/uploads/2020/02/Teacher-shortages-and-pay\\_2020\\_EPI.pdf](https://epi.org.uk/wp-content/uploads/2020/02/Teacher-shortages-and-pay_2020_EPI.pdf)

At primary level, teacher numbers from 2007 and 2019 (13 per cent) fell behind growth in pupil numbers (16 per cent). At secondary level pupil numbers have not changed greatly from 2007 to 2019 but teacher numbers have fallen by 7 per cent.

While primary initial teacher training (ITT) entry has generally been meeting the numbers needed, entry to secondary ITT in England had been consistently below target since the early 2010s.<sup>23</sup>

However, locally to Hammersmith & Fulham, combined effects of decreasing birth rates, historic school expansion programmes, increased home education, and agreed regeneration and housing schemes still at feasibility stage have resulted in some settings with surplus capacity beyond that recommended by DFE, particularly at primary phase. To date there are a total of 3,000 surplus pupil places across the Hammersmith & Fulham school estate.

	<b>Total pupil population</b>	<b>Staff</b>	<b>Teachers</b>	<b>Vacancies</b>	<b>London Average</b>
Oct	27,53	3,1	1,403	15%	22%
2019	2	44			
Sept 2021	20,62 3	2,6 83	1,371	N/A	N/A

As demonstrated by the above table, contrary to the national picture, pupil numbers in Hammersmith & Fulham have fallen in recent years. If national evidence were to be followed, we would expect locally to see a reduced strain on the recruitment and retention of teachers as a result of this decrease in pupil numbers. However, Hammersmith & Fulham have continued to see a net decrease in school staff and teachers. This would support the commissions research into other factors impacting retention.

To further their understanding and to explore the issues impacting recruitment and retention locally, it was agreed the commission should undertake a call for evidence via the Hammersmith & Fulham school network



## 4. What are teachers and school support staff telling us?

Findings in this section are informed by a survey launched in May and June 2021, and further a series of follow up interviews conducted by the Chair of the commission in October 2021.

The survey engaged 113 staff supporting teaching and learning in Hammersmith & Fulham. 74% of respondents were from Primary phase, 23% from Secondary and 2% from Nursery. 38% held Teaching positions, 13% Teaching Assistant/Learning Support Assistant, 8% Subject Leader and the remainder identifying themselves in positions of SEN Teaching Assistant/Learning Support Assistant, Higher Level Teaching Assistant, Deputy Head, Pastoral Lead and other similar positions. 90% of respondents identified as female, 8.8% male and 1.2% did not specify.

Of this 113, 10 teachers volunteered to provide verbal evidence to the commission through interview. All interviewees were female, with 4 working at primary phase, 5 at secondary phase and 1 working as a student mentor with previous teaching experience. Despite the best efforts of the commissioners to promote this opportunity to submit oral evidence, responses for interview were disappointingly low. Therefore, it is recognised that this evidence offers a limited view of the wider teaching population. However, the feedback and discussion points elicited offer unique insight and value into the working experience of the

Hammersmith & Fulham teaching population, and have therefore been included in this section and considered by the commission when developing their recommendations.

The survey centred around three main questions:

1. What attracted you to the profession?
2. What has kept you in the profession?
3. Which of the following is most important to you?

Each question asked respondents to rank a series of factors which were informed by the drivers for retention highlighted through the commission literature review. These factors included job satisfaction/wanting to educate, CPD and support for professional development, flexible working, pay, wellbeing support and childcare. The final question also brought in the options of parking and local, affordable housing; two factors colloquially well known to impact the teaching market in Hammersmith & Fulham.

Alongside a desire to educate and work with children, when asked what attracted teachers to the profession the opportunity for professional development through continued CPD, and flexible working arrangements were the most popular responses.

The dedication of the Hammersmith & Fulham teaching workforce, keen subject interest and desire to continue to learn is further echoed through the additional comments left in response to this question:



**The love of my subject specialism and sharing it.**



**I love teaching in an inner-city London community school and love my subject.**



**Teaching allowed me to keep working within science but also working with people - giving back opportunities.**

Having established why teachers chose to begin teaching, the survey moved to ask what were the main factors that had kept teachers in the profession. Similarly, to the above responses, job satisfaction and opportunities for professional development through CPD ranked highly, followed thereafter by pay, flexible working arrangements, wellbeing support and childcare. When interviewed, all participants were incredibly positive about the impact of CPD in making them feel valued by the Senior Team of their respective schools.



**What kept me in the profession has been the fact that I have been able to develop as a professional over the last 20 years.**

**I think it is really important that teachers know that schools value them and want them to develop, not only for their own professional development but also to help develop the school. I think if teachers knew how important that was to the school, then it would make them feel more valued and more inclined to stay.**

To help the commission focus their recommendations, respondents were asked to rank a series of factors to establish which was most important to them with regards to recruitment and retention, and which was least important.

1. Job satisfaction
2. Pay
3. CPD

4. Wellbeing support
5. Flexible working arrangements
6. Local, affordable housing
7. Parking availability
8. Childcare

Ranking second only to job satisfaction, respondents told the commission that pay was a very important factor for them when applying for a position and in retaining staff once in post. For the purposes of this report, the Commission have focused their lines of enquiry and resultant recommendations on tangible issues to which the Local Authority and local partners hold a substantial level of control. This decision was taken to ensure recommendations made would be most impactful and result in local actionable change. Teacher wages are set based on guidance issued by the national Government Department for Education. Therefore, whilst pay is not key line of enquiry in this report, the Commission strongly support the National Education Union in their campaign for fair pay for all teachers and support staff, including a fair pay increase in 2021 and restoring real term cuts to pay since 2010.<sup>24</sup> Additionally, the commission echoes the TES<sup>25</sup> analysis of the Winter 2021 budget announcement, demanding clarity as to the date from which the stated increase in teacher starting salaries would be implemented, and detail as to funding arrangements through the core school budget uplift.

Finally, to begin to understand the pattern of staff turnover within Hammersmith & Fulham schools, respondents were asked if they would be remaining in their current substantive post in the coming academic year from September 2021. 26 of 113 said they would not. This indicates a mild level of teacher turnover however this must be considered as a small sample size of the wider teaching population, alongside the impact of COVID on the labour market as explored previously. The main reasons cited for not remaining in their substantive post included taking up further study full time or part time without a sufficient part time role to accommodate, relocating or moving to a different area, and achieving a promotion.

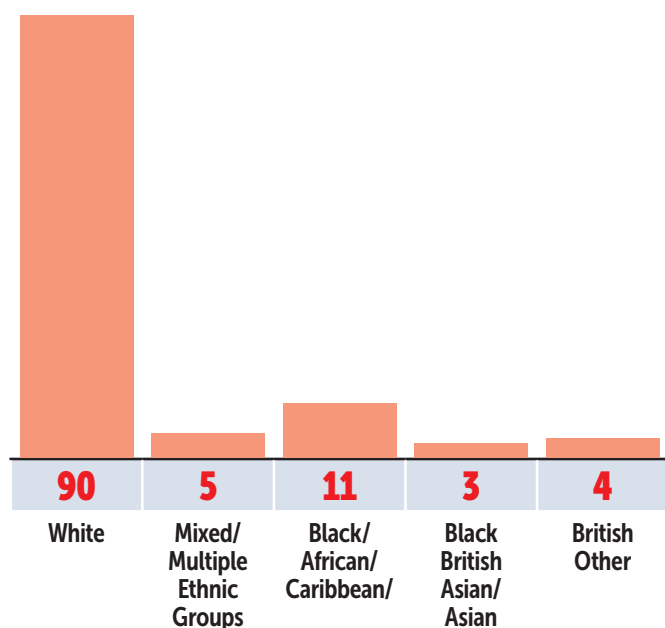
In addition to the more targeted questions at the centre of the survey, the commission sought to understand trends across the profession including gender, age and ethnicity. Whilst no recommendations are made on the basis of this demographic data alone, the commission acknowledges the importance of this data in understanding patterns of recruitment and

<sup>24</sup> Budget 2021 | NEU

<sup>25</sup> What the Budget means for schools and teachers | Tes

retention, and how this can be addressed. Principally, the commission echoes the wealth of national literature calling for increased diversification of the teaching profession through the recruitment and retention of teachers of the global majority. As explored by the Learning Policy Institute “research shows that teachers of colour help close achievement gaps for students of colour and are highly rated by students of all races—a fact that is all the more relevant in light of persistent gaps between students of colour and students from low-income families and their peers who are white or from more affluent families. Unfortunately, although more teachers of colour are being recruited across the nation, the pace of increase is slow and attrition rates are high, leaving growing gaps between the demand for such teachers and the supply”.<sup>26</sup>

Researchers from UCL’s Institute for Education found that almost half of all schools in England have no black or minority ethnic teachers, meaning that there is a significant gap between the proportion of minority ethnic students and teachers in schools. The research found that in 2019 65% of pupils and 86% of teachers were white British.<sup>27</sup> Whilst the commission was unable to obtain a complete data set, the sample of teachers responding to the survey largely reflects these findings. The below graph demonstrates the ethnicities of survey respondents.



Alongside the benefits of diversity in the teaching workforce for pupils, the Learning Policy Institute found that greater diversity of teachers may also mitigate feelings of isolation, frustration and fatigue that can contribute to poor retention rates of teachers of the global majority when they feel they are alone.

Increasing the diversity of the teaching workforce requires intentional preparation, hiring and ongoing support. The Institute of Educational Sciences in the United States<sup>28</sup> outlines a number of evidence-based strategies that focus on what schools can do to recruit, select, hire, onboard and retain a diverse workforce, including:

- Using data to forecast staffing needs and to determine who is underrepresented in the workforce
- Training all staff members who are involved in hiring to recognise implicit biases and to use interviewing techniques that reveal candidates experience, knowledge and strengths
- Considering the organisational conditions of the school, the strength of the school’s leadership team, and overall fit before placing new teachers. Teachers of colour are more likely to be placed in schools with weak organizational conditions, poor leadership, and difficult working conditions, which increases the likelihood of attrition.
- Building the capacity of school leaders to improve working conditions in the school, to support teachers of colour, and to identify and support students and staff members who are interested in becoming teachers.

Therefore, whilst workforce diversity is not key line of enquiry in this report, the Commission strongly supports the national call to build upon existing strategic initiatives to encourage a much more diverse teaching profession both to improve pupil outcomes and the recruitment and retention of staff.

Following completion of a literature review and call for written and oral evidence, the commission met in November 2021 to confirm their lines of enquiry and propose recommendations.

<sup>26</sup> Diversifying the Teaching Profession: How to Recruit and Retain Teachers of Color (learningpolicyinstitute.org)

<sup>27</sup> Almost half of English schools have no BAME teachers, study finds | Teaching | The Guardian

<sup>28</sup> 9 Strategies for Recruiting, Hiring, and Retaining Diverse Teachers (ed.gov)



## 5. Post COVID impact on recruitment

Teacher retention is a major issue in many developed countries. According to the 2018 edition of the OECD TALIS survey, on average, almost 15% of teachers aged 50 or less want to leave teaching within the next five years. In England, this figure is above the OECD average, at 22%. Teacher attrition and turnover are especially problematic in disadvantaged schools as they have a harder time both recruiting and retaining teachers. Allen et al. (2018) show that there is a positive raw association between the level of school disadvantage and the turnover rate of its teachers in England.<sup>29</sup>

Existing evidence suggests that teacher recruitment and retention are sensitive to local labour market condition. The COVID-19 pandemic has triggered an unprecedented shock to the UK and global economy.

Teaching is often perceived as “recession-proof” by the public. As a public sector job, teaching is relatively sheltered from economic downturns and therefore relatively more attractive. Outside labour market conditions have an impact on teacher

shortages. Existing research shows that regional unemployment decreases the probability of leaving teaching.<sup>30</sup>

### The pandemic had a short-term positive effect on ITT application

Thus, the current COVID-19 crisis can make teaching more attractive, and therefore to reduce teacher shortages and to increase teacher quality.

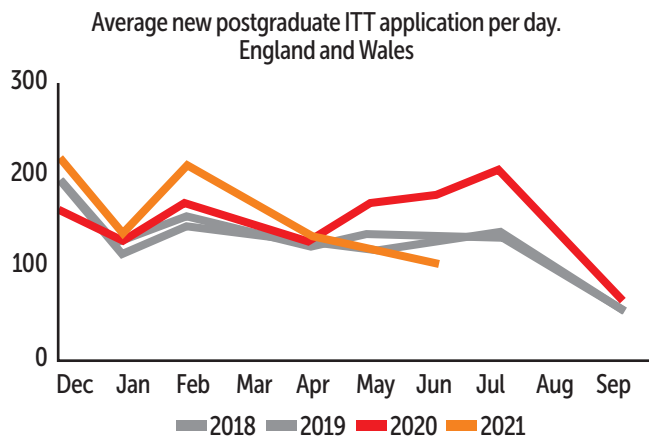
Preliminary evidence from 2020 data published by UCAS already show that the number of initial teacher training applications has increased in April by more than would be expected based on previous trends.<sup>31</sup> However, more recent evidence (Figure 1) suggests that this effect was only temporary, as 2021 applications are much lower than 2020 applications. This may be explained by the fact that the economy has rapidly recovered from the pandemic. Recent ONS data shows that Gross domestic product (GDP) has grown by 0.9% in November 2021 and is above its pre pandemic level (February 2020).

29 Benhenda A. and Macmillan L. (2021). How to Attract and Retain Teachers, UCL CEPEO Briefing Note, May 2021

30 Benhenda (2020). The Impact of Recessions on Teacher Labour Markets, UCL CEPEO Briefing Note, May 2020

31 NFER (2020). The Impact of Covid-19 on Initial Teacher Training. Implications for Teacher Supply in England.

Figure 1 Impact of COVID on ITT application, 2018 to 2021. Source: NFER analysis of UCAS ITT application data



**But it has a negative effect on teacher well-being, which impacts retention**

At the same time, the pandemic has increased teacher workload, anxiety, and stress. According to a YouGov survey, half of the UK’s schoolteachers (52%) say their mental health declined during the first stage of the coronavirus pandemic. In October 2020, 84% of teachers described themselves as feeling “stressed” or “very stressed”.

This decrease in working conditions has a significant impact on the risk of teacher attrition. A recent teacher survey by the Education Policy Institute suggests that teachers are now almost twice as likely to leave as they were before the pandemic, shown in the below graph.

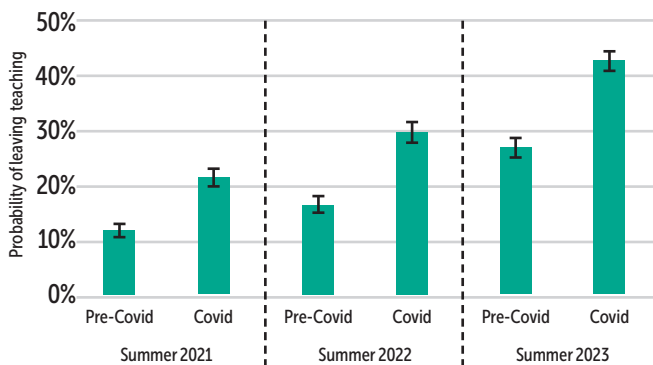


Figure 2: Impact on the Risk of Teacher Attrition. Classroom teachers reported likelihood that they will leave the profession by the summer of 2021, 2022 and 2025

The main cause of this increased risk of attrition seems to be the government response to the pandemic, followed by their school response and personal circumstances (Figure 3).

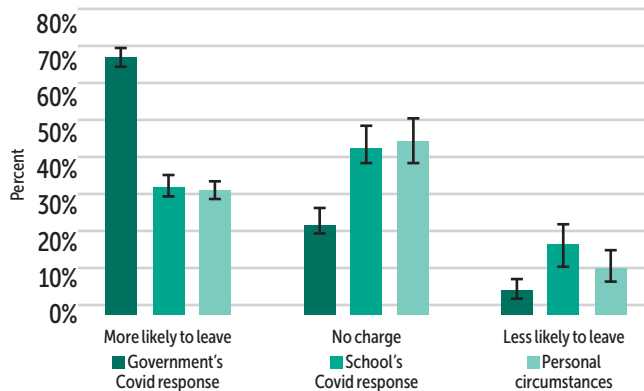


Figure 3 Main factors impacting teachers’ attrition. The effect of different factors on teachers’ attrition intentions

COVID crisis has created a short-term increase in ITT application. This increase seems to disappear in the medium run with the economy quickly recovering from the pandemic. The COVID crisis has been very difficult for teachers in terms of workload and mental health. Consequently, more teachers are considering leaving the profession.





## 6. Line of Enquiry 1: Teacher Training

In the higher-scoring programmes, course leaders worked with their partnership to plan and deliver a well-sequenced ITE curriculum. This ensured that the programme between centre-based provision and trainee placements was joined-up and allowed trainees to practise what they had learned in central provision.<sup>32</sup>

The evidence is strong that teacher training is most effective when teaching practice matches up with theoretical learning. Training providers need as much help as they can to forge strong consistent partnerships with schools where trainees practice in the classroom.

Early in 2021 Ofsted visited 75 ITT partnerships and found instances where partnerships did not work closely enough to ensure effective and integrated curriculum delivery.

Consistency across subject knowledge development, behaviour management and subject-specific pedagogy between the training provider and the partner school is vital for a coherent trainee experience.

A key role for the placement schools is as the base and support for mentors. Anecdotal evidence suggests that the new ECF is adding to the demands on mentoring capacity in schools.

It is in the long-term interests of schools, and local groups of schools, to host placements. It allows new teaching talent to be identified early and attracted to live and work in the locality. However, many schools will struggle to find the capacity to manage the placements, identify and give time for mentors, and risk trusting difficult classes to inexperienced staff.

### The Commission recommends that:

- Hammersmith & Fulham carry out an audit of the teacher training partnerships to assess the quality of integration of delivery between the provider and their placement schools.
- Schools and academies in the Borough are encouraged to focus their placements on a limited number of providers that can become strategic partners of the Borough
- All schools and academies are incentivised to provide placements, by exploring opportunities to explore pooling the resources for managing them, and for mentoring trainees.

<sup>32</sup> <https://www.gov.uk/government/publications/in-ital-teacher-education-curriculum-research/building-great-teachers>



## 7. Line of Enquiry 2: Professional Development and CPD

Providing teachers with a right to high-quality training and development would boost pupil attainment and earnings, and may tackle retention problems in the profession, a cost-benefit analysis study from the Education Policy Institute (EPI) commissioned by Wellcome has shown.<sup>33</sup>

A focus on professional development opportunities for teachers has been at the heart of the Government's long-term plan to tackle the loss of learning experienced by pupils through the COVID-19 pandemic. As confirmed by Education Secretary Gavin Williamson in April during the NASUWT teaching union's conference, enabling school staff to deliver high-quality teaching to "inspire and motivate a new generation is more important than ever",<sup>34</sup> with plans currently in development for improving the offer of CPD available for teaching staff.

Whilst the literature on the potential for CPD to improve pupil attainment is well established,<sup>35</sup> the associated impact on teacher retainment linked to job satisfaction is less well researched. In 2017 Allen

and Simms demonstrated that science teachers from state-funded secondary schools in England participating in National STEM Learning Network professional development courses were more than twice as likely to remain in the profession one year later, with this association still visible two years after participation for both recently qualified and long serving teachers.<sup>36</sup> Analysing data on over 50,00 teachers from 34 countries, Simms further suggests that professional development opportunities indicate increased teacher job satisfaction and is associated with reduced odds that teachers want to move school.<sup>37</sup> Whilst supporting a positive trend towards improved retention rates, further research into this associated link is required to confirm these findings.

Building on the foundations of these findings, locally the commission found that opportunities for CPD were considered the second most important factor to teachers in keeping them in the profession. Further, this was recognised through oral evidence collected as one of the key reasons as to why teachers remained in post.

<sup>33</sup> The effects of high-quality professional development on teachers and students: A cost-benefit analysis - Education Policy Institute ([epi.org.uk](http://epi.org.uk))

<sup>34</sup> Gavin Williamson says investing in teacher training is 'crucial' to recovery in address to teaching union ([inews.co.uk](http://inews.co.uk))

<sup>35</sup> Evidence review: The effects of high-quality professional development on teachers and students - Education Policy Institute ([epi.org.uk](http://epi.org.uk))

<sup>36</sup> [science-teacher-retention.pdf](http://science-teacher-retention.pdf) ([wellcome.org](http://wellcome.org))

<sup>37</sup> TALIS 2013: Working Conditions, Teacher Job Satisfaction and Retention ([ioe.ac.uk](http://ioe.ac.uk))

“

Professional development is massively important. When I first came to this Hammersmith and Fulham school one of the first things I was asked was ‘what can we do to develop you as a teacher?’ That made me feel like the school really wanted to develop me.

“

I think CPD is hugely important for all teachers at whatever stage in their career. Especially in a time when we can’t go to visit other schools as much as we used to, if we don’t keep on top of best practice we aren’t doing the best for our children.

“

I am a music teacher; I am the only music teacher in the school. So I can feel quite isolated at times. CPD is really good because it brings more music teachers together to share what is happening in other places and how that might modify your practice when you aren’t seeing anything else in your school.

Research conducted by the NFER further supports the findings of the commission’s oral evidence, advocating for the development of specialist national professional qualification. As explored by Worth and Van den Brande, formal professional development opportunities and courses primarily centre on developing teaching staff towards leadership roles. Whilst access to and promotion of these leadership development courses is critical to advance opportunities within the workforce, specialist qualifications could offer teachers a wider range of development options that meet their development needs.<sup>38</sup> As such, a range of CPD opportunities would be most effective in ensuring the retention of teachers.

### The Commission recommends that:

- Within their core functions for strategic planning, overseeing performance and holding the school leadership to account, school governing boards should promote and monitor opportunities for continued professional development by teaching staff.
- The Local Authority Learning Partnership in conjunction with representatives from member schools should continue to facilitate a range of CPD courses for schools within the partnership, for example focusing on equality, diversity and inclusion and unconscious bias.
- Schools should explore opportunities for promotion, with a consideration for both leadership roles and subject specialisms, particularly in light of the increasing trend towards Federation.

<sup>38</sup> Teacher\_autonomy\_how\_does\_it\_relate\_to\_job\_satisfaction\_and\_retention.pdf (nfer.ac.uk)



## 8. Line of Enquiry 3: Health & Wellbeing

While most teachers enjoy teaching and are positive about their workplace and their colleagues, self-reported well-being at work is generally low or moderate. Positive factors – such as school culture and relationships with colleagues – contribute to teachers' well-being. However, they are counterbalanced by negative factors, such as high workload, lack of work-life balance, a perceived lack of resources and a perceived lack of support from leaders, especially for managing pupils' behaviour.<sup>39</sup>

It is well established that one of the major factors impacting the recruitment and retention of teaching staff is poor work-life balance. As demonstrated by the findings of the commission, teachers overwhelmingly are attracted to the profession because of a desire to educate and work with children, with job satisfaction considered the most important reason in remaining in post. This love of teaching stems from positive relationships with pupils and watching pupils succeed. Alongside these factors, relationships with colleagues and work culture are generally positive factors that

contribute to teachers' wellbeing at work.<sup>40</sup>

Despite this positive intention, a study conducted by Hays shows around 55% would be hesitant to recommend the profession to a young person.

Frequently cited factors include a high workload, struggles with work-life balance, and a perceived lack of support from leaders.<sup>41</sup> In addition to these systemic issues, the need to address staff wellbeing is crucial in the context of the pandemic as teachers are juggling to address the learning loss of pupils alongside increased presentations of poor mental health.

A recent study on young people's mental health during the COVID-19 pandemic conducted by Healthwatch Hammersmith and Fulham in partnership with the Youth Council found that 1 in 3 young people's mental health worsened during the lockdowns, with the main reasons being isolation from friends and family, being confined indoors or at home, and the negative impact of online learning on education. In addition, the study

<sup>39</sup> Teachers Well-being at work in schools and further education providers ([publishing.service.gov.uk](https://publishing.service.gov.uk))

<sup>40</sup> Teachers Well-being at work in schools and further education providers ([publishing.service.gov.uk](https://publishing.service.gov.uk))

<sup>41</sup> Teacher retention: Why improving staff morale in schools is vital ([hays.co.uk](https://hays.co.uk))

found that the main way young people accessed information on mental health was through schools or colleges. This supports findings from oral evidence given that teachers are seeing an increase in demand for more complex and challenging mental health support by their pupils, with many feeling unequipped or needing more support to address these concerns.

Alongside impacting student mental health, the latest teacher wellbeing index highlighted “a worrying trend of increased symptoms of poor mental health, such as mood swings, difficulty concentrating, insomnia and tearfulness”<sup>42</sup> amongst education professionals in the wake of the pandemic. As echoed by The Rt Hon Nick Gibb MP Minister of State for School Standards, “it is more important than ever that wellbeing and mental health are at the forefront of education policy.”<sup>43</sup>

Echoing this focus on addressing staff wellbeing, the Department for Education have launched The Education Staff Wellbeing Charter which all schools, colleges and settings are invited to sign up to. This charter demonstrates a shared commitment by the DfE, Ofsted and employers working in education to protect, promote and enhance the wellbeing of all education staff.<sup>44</sup>

**Not only is this a good thing itself, it is critical in recruiting and retaining high quality education staff now and in the future. It is also crucial in securing better outcomes for young people, including regarding their own wellbeing and mental health.**<sup>45</sup>

In line with this national emphasis on addressing staff wellbeing, the commission found that when surveyed on how important wellbeing is to them, 92% of teachers responded that it was ‘very’ or ‘extremely important’.

Common practices in place locally within Hammersmith & Fulham schools to support wellbeing include staff socials, mental health support, free lunches and flexible working. However, when asked to identify whether their school had a health and wellbeing strategy in place, 49% responded ‘no’ or ‘unsure’.

“

A couple of years ago we launched a Wellbeing Committee. That was really positive with people suggesting things that would make their lives easier and often it was little things. People being able to say this practically impacts me and then those little changes getting made made people feel a lot better.

“

On the other end of the scale there’s people who experience mental ill health while they are at work, and I think that wasn’t really addressed until we started to develop a policy that was active in helping practically to help people. Actively supporting them and making adjustments will retain teachers in the profession who may otherwise leave.

Alongside the need for a comprehensive wellbeing policy, teachers interviewed by the commissioned reflected on the need for supervision support, particularly following the increasing presentation of need post-pandemic. An example of where implementation of staff supervision has been embedded successfully is showcased by the Anna Freud Centre in their ‘Ten Steps Towards School Staff Wellbeing’ report. Lessness Heath Primary School in Bexley has placed a huge emphasis on staff wellbeing to help promote teacher retention and to create happy staff for the pupils at the school. The school has found the introduction of supervision to be a vital strategy within its wellbeing plan. Staff in some roles have been offered access to clinical supervision, while the majority are offered supervision by colleagues in school, using a coaching approach. Senior leaders provide one to-one reflection space for all staff.

School leaders have noticed that staff are more able to use a solution focussed approach, discussing any issues that arise within the protected supervision time.<sup>46</sup> Taking a similar approach, Gordon Primary School in London are implementing small, sustainable changes including a weekly ‘open door’ session after school facilitated by a Learning Mentor, offering staff a place to talk. In addition, the Learning Mentor and the SENCO/ Inclusion Manager plan to start monthly peer supervision groups to help staff feel less isolated when dealing with challenging experiences.<sup>47</sup> The commission recommends this attitude towards supporting staff through improved supervision

42 Teacher Wellbeing Index 2021 (educationsupport.org.uk)

43 Teacher wellbeing: 11 pledges schools are urged to make | Tes Magazine

44 The Education Staff Wellbeing Charter - November 2021 (publishing.service.gov.uk)

45 The Education Staff Wellbeing Charter - November 2021 (publishing.service.gov.uk)

46 school-staff-wellbeing-report-final-corrected- 512.pdf (annafreud.org)

47 school-staff-wellbeing-report-final-corrected- 512.pdf (annafreud.org)

be implemented across Hammersmith & Fulham, alongside a number of other recommendations to support staff health and wellbeing.

### **The Commission recommends that:**

- The Local Authority expand the Educational Psychology Traded Offer of supervision beyond the ELSA and Safeguarding roles to provide support to all staff dealing with emotional issues raised by pupils, particularly where staff are acting as trusted adults to young people who are disclosing complex emotional difficulties.
- The Local Authority should expand the mental health aider programme.
- All Hammersmith & Fulham schools should implement a comprehensive health and wellbeing strategy outlining support available for staff and signposting for further support available, and are encouraged to identify a named Mental Health Lead within the setting.
- The Local Authority Learning Partnership in conjunction with representatives from member schools should produce a draft wellbeing strategy which schools can adopt, such as the NASUWT Model Wellbeing Policy, ensuring consistency across all schools within H&F.
- Schools should consider implementing the mental health first aider programme locally to train staff to support colleagues in managing low level issues and signposting for further support available.
- Schools should consider joining the Education Support Employer Assistance Programme.



## 9. Line of Enquiry 4: Flexible Working

The Department for Education Teacher Recruitment and Retention Strategy suggests that teachers leaving the profession often move to flexible or part-time work, indicating unmet demand for part-time work in schools. As such the strategy suggests that to compete in attracting and retaining talented people in a 21st century labour market, the profession must go further in embracing 21st century working practices.<sup>48</sup> Guidance published by the Department for Education in November 2021 therefore

encourages schools and multi-academy trusts to 'adopt a flexible working policy which responds to the needs of the staff, and the employer, to address the challenges to flexible working in their school. Employers could consider embedding strategic,

whole-school approaches to flexible working, with contribution from all parties'.<sup>49</sup> This flexible policy should encompass other types of flexible working beyond just part-time working, including the opportunity to leave the school site if not working. Implemented successfully, the Department of Education believes this should attract more people to join teaching, keep more people in teaching, and encourage more to return.<sup>50</sup>

Extensive research conducted by NFER found that part-time working is less common at secondary level than at primary, estimating that one in six secondary school teachers would like to reduce their hours and one in twelve would like to reduce their hours by more than one day a week.<sup>51</sup>

<sup>48</sup> Teacher Recruitment and Retention Strategy; Supporting teachers to make a difference (publishing.service.gov.uk)

<sup>49</sup> Flexible working in schools - GOV.UK (www.gov.uk)

<sup>50</sup> Teacher Recruitment and Retention Strategy; Supporting teachers to make a difference (publishing.service.gov.uk)

<sup>51</sup> <https://www.nfer.ac.uk/part-time-teaching-and-flexible-working-in-secondary-schools/>

Further, the NFER working with school leaders identified four main benefits from part time and flexible working, including:

1. Increased teacher retention and recruitment - in particular, school leaders said that offering part-time working had enabled them to retain effective teachers who might otherwise have left the school
2. A positive impact on staff wellbeing, leading to improved energy and creativity for the whole staff
3. Retaining specialist expertise and maintaining the breadth of the curriculum
4. An opportunity to reduce costs by reducing the amount of teaching hours required.<sup>52</sup>

Following the national lockdowns as a result of the COVID-19 pandemic, there is now an even greater call to consider how different aspects of wider teaching responsibilities can be completed outside of the classroom in a more flexible manner. Survey data from the NEU shows one-third 'definitely' plan to leave the profession by 2026,<sup>53</sup> demonstrating that the need for change pre-dates the pandemic, but experiences during this period have accelerated the agenda.<sup>54</sup>

Locally, 14% of teachers surveyed responses that they would not remain in their substantive post from the new academic year, with many responses citing workload or wanting to complete further studies without a part time position available.

Flexible working must also be considered in conjunction with an improved wellbeing agenda as previously discussed, supporting the duty on schools as employers to protect the health, safety and welfare of their staff. A clear flexible working policy would play an important part in this duty, especially when integrated with broader wellbeing policies. This factor has been explored by the Department for Education in partnership with CooperGibson Research through one of their pilot case studies in 'Exploring Flexible Working Practices in Schools'. In the case study in question, a primary school headteacher had dealt with flexible working requests on a case-by-case basis, however this had led to inconsistency in understanding across the workforce. A new flexible working policy was developed and presented at staff briefing sessions, allowing staff to clarify their understanding of the procedure and key considerations when making a request. This helped to formalise processes

and offered a means to create a culture of transparency towards flexible working, addressing misconceptions and embedding structured and sustainable ways of working going forward. In addition, probationary periods and regular reviews were built into new flexible working contracts. This enabled the headteacher to continue to support the staff whilst also managing the needs of the school and ensuring some sustainability in capacity.<sup>55</sup>

Further, flexible working would support other stresses evident in the profession such as childcare which will be discussed later. As such, the commission recommends that more schools locally consider, in line with Department for Education guidance, how a varied offer of flexible working can be offered to the workforce, possibly sustaining some of the learning of agile working developed during the COVID period.

### The Commission recommends that:

- A directory for staff redundancies should be created through the Learning Partnership, linked to the H&F schools recruitment website, for teaching and office staff to support retention in the borough.
- Flexible working be recognised as part of the health and wellbeing agenda to support staff, encouraging schools to promote job sharing opportunities and improved flexible working particularly in light of the increasing trend towards Federation.

<sup>52</sup> Could part-time and flexible working help to keep teachers in the profession? - NFER

<sup>53</sup> More than 1 in 3 teachers 'plan to leave by 2026' | Tes Magazine

<sup>54</sup> Why leave teachers out of the flexible working revolution? (schoolsweek.co.uk)

<sup>55</sup> Exploring flexible working practice in schools - pilot school summaries (publishing.service.gov.uk)





## 10. Line of Enquiry 5: Additional Benefits (Childcare, Parking, Housing)

As an inner London borough, Hammersmith & Fulham presents several other challenges to the recruitment and retention of teaching staff beyond the bounds of the school. Despite high polarity in the highest and lowest areas of affluence in the borough, Hammersmith & Fulham is ranked 112 out of 317 English Local Authority Districts on the Index of Multiple Deprivation.<sup>56</sup> The average gross household income in Hammersmith & Fulham is 11% higher than in London and 30% higher than in the country as a whole. As a result, due to associated high property costs, nearly three-quarters of jobs in the borough are taken by workers commuting in from outside Hammersmith & Fulham, the majority from other areas of London.<sup>57</sup> Though exact data is not available, this pattern is colloquially known to apply similarly to the borough's teaching population.

As a result, the commission have considered several supporting factors known to impact on recruitment and retention of teaching staff including affordable in-borough housing, childcare and parking.

### Housing

The private rented sector in Hammersmith & Fulham accounts for 33.2% of all households in the borough. Prices in the sector are the sixth highest in London and eighth highest in the country as a whole.

According to January 2018 house price data available from the Land Registry, the average house price in Hammersmith & Fulham is higher than the average for both London and the country as a whole. As a result, the borough is a net importer

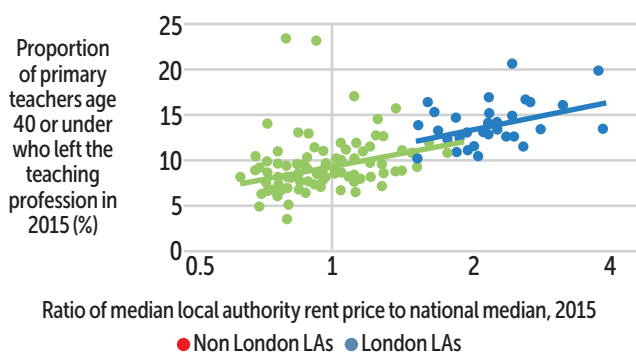
<sup>56</sup> Deprivation in Hammersmith and Fulham (lbhf.gov.uk)

<sup>57</sup> \*Hammersmith & Fulham Borough Profile 2018 (lbhf.gov.uk)

of workers with 33% more jobs in the borough than local residents in employment.<sup>58</sup> This similarly translates to the local teaching population. Though exact data is unavailable, when asked to rank the factors that were most important to them with regards to recruitment and retention, teachers surveyed by the commission ranked local, affordable housing first out of the additional benefits in this line of enquiry beyond the factors directly impacting the school environment.

Research conducted by NFER suggests that higher rent prices are associated with a higher rate of young teachers leaving the profession, indicating higher housing costs are a key factor driving low teacher retention in London. The data shows a clear relationship between areas of England with higher rent prices, dominated by London boroughs, and higher rates of teachers aged under 40 leaving the profession.<sup>59</sup>

This impact on retention was clearly echoed through interviews conducted by the commission:



#### 4NFER: Teacher Supply, Retention and Mobility in London

“

I would say this is a particular issue in Hammersmith and Fulham. Part of the reason why I left was that I couldn't live near where I worked. You also miss out on all the benefits of community because I can't afford to rent there let alone buy. Subsidised housing would really help with retention.

“

House prices and rental prices being what they are in this area, investing in properties to rent at a discounted rate for teachers it is a huge thing. We are priced out of the market. I wouldn't be able to afford to live in Hammersmith and Fulham.

Hammersmith & Fulham do offer affordable housing options for people that live or work in the borough through Hammersmith & Fulham Home Buy. This scheme gives priority to key workers including teachers and education staff, though this has only recently been implemented and requires embedding. Hammersmith & Fulham Home Buy aims to address the heart of the problem raised, believing that first time buyers and people earning a low to middle income should not be forced to rent expensive accommodation, or have no choice but to live miles away from where they work, because they cannot afford to buy their home within this borough.<sup>60</sup> As such, the service allows eligible applicants to register to receive a range of support options including shared ownership, council shared equity, right to buy, resales and intermediate rent. As well as marketing and promoting available low-cost home ownership properties in borough, the service offers support to assist applicants through all stages of the home ownership process.

However, it is not understood how widely this offer is known amongst the teaching population, and further work is required to market this support following alteration to the keyworker priority to include teachers.

Additionally, Hammersmith & Fulham are currently piloting a project to renovate houses previously occupied by the school site managers into houses of multiple occupation to facilitate shared living arrangements for teachers. Once evaluated, the commission would encourage greater roll out of similar innovative initiatives to support teachers to live locally.

However, this option must be offered in parallel with the Home Buy scheme to provide a range of properties, rental, shared living and ownership schemes to support teachers at various life stages.

58 Hammersmith & Fulham Borough Profile 2018 (lbhf.gov.uk)

59 teach-london-report\_glts.pdf (nfer.ac.uk)

60 home\_buy\_guide\_tcm21-191012.pdf (lbhf.gov.uk)

## Childcare

As outlined in the 2018 NFER Report on Teacher Supply, Retention and Mobility in London,<sup>61</sup> childcare costs amongst other factors are a significant barrier to retention, calling for subsidies and term time only childcare places in an effort to retain teachers who have children or are considering starting a family.

The challenges faced by teaching staff with childcare/caring responsibilities are manifold given the workload and the nature of the work, from needing to start or finish the working day outside the hours of childcare provision, having time for marking and planning, a greater expectation placed on non-contact time,<sup>62</sup> amongst other factors. These challenges disproportionately affect women, with 75% of classroom teachers in England identifying as female. The reasons for this largely relate to the previous line of enquiry relating to flexible working. Between 2008 and 2012, 6,000 women in their 30s left teaching every year.<sup>63</sup> Of this group, it is estimated only half returned to teaching. Whilst no hard conclusions can be drawn around this, it could be maternity related, and the lack of flexibility around working practices could mean many returners find it hard to balance personal childcare commitments with returning to a teaching job.<sup>64</sup> Taking these factors into consideration, addressing barriers to childcare particularly in the early years prior to nursery education entitlement, should be considered to ensure improved retention of this cohort of the teaching population.

Per the January 2021 Childcare Sufficiency Assessment Hammersmith & Fulham has 44 full time places for every 100 children in the private, voluntary and maintained sector, with the capacity for more to be offered, suggesting that there is sufficient childcare in the borough, in line with or higher than London average. The 2017 IPPR Report 'The Future of Childcare in London' suggests that the London average is 32 places per 100 making the London Borough of Hammersmith & Fulham (LBHF) far above the average. There is therefore currently sufficient childcare in Hammersmith & Fulham with most settings operating at below their capacity.

However, frequently raised at interview was the issue of affordability, with many commenting on their own or colleagues experiences of high-cost childcare proportionate to salary.

“

Obviously childcare is really expensive. One member of staff told me it was cheaper for she and her partner to work four days a week than to pay for childcare five days a week.

Further, where barriers to childcare and inflexible working culture were experienced concurrently, these issues were compounded with impacts felt within the classroom.

“

Those days when I just couldn't get help for my children, I had to take the day off. That causes disruption to the learning of my students. Similarly, if one of my children was unwell [particularly during COVID] this disrupted the entire learning cycle.

In recognition of some of these issues, the latest Hammersmith & Fulham Childcare Sufficiency Assessment focused on ensuring access to affordable childcare for borough residents, increasing the extended offer for 2-, 3- and 4-year old's unable to access the 2-year-old entitlement or the 30 hours offer, and increasingly publicising funded hours and tax-free childcare to ensure more parents are aware of and take up their entitlements. Additionally, the service will monitor the wraparound care offer following the impact of COVID in reducing this offer and will consider whether there is a need to put in place additional support. However, this commission further considers measures to support the offer available for non-resident borough teachers.

## Parking

A further issue compounded by the volume of teachers who are not resident in the borough was that of available parking proximate to the school site. With many teachers travelling in to the borough on public transport, often transporting large volumes of materials, parking availability is an underlying concern impacting the recruitment and retention of staff locally.

On-site parking facilities vary from school to school and are often limited due to the nature of being in an inner-London borough. This has been a long-standing issue, recognised by the 2018 Council Manifesto, with a permit for key workers developed to allow key workers to park near their place of work for a reduced fee of £791 per year for a single zone.

61 nfer\_gla\_teacher\_supply\_retention\_and\_mobil\_ity\_in\_london\_2018\_0.pdf

62 Why aren't schools better at flexible working arrangements? - RSA (thersa.org)

63 The Importance of Teachers: A collection of essays on teacher recruitment and retention | Policy Exchange

64 OME\_teacher\_retention\_report (publishing.service.gov.uk)

During the drafting of their recommendations, the Commission submitted Freedom of Information requests to other London Local Authorities to understand the offer of teacher parking across the Capital. Of the inner London Local Authorities, 8 offered parking permits for key workers including school staff, with prices ranging from £20 to £1,250 per year.

From these findings, Hammersmith & Fulham ranks within the top three most expensive annually. The Commission recommends that the current keyworker parking scheme in Hammersmith & Fulham should be aligned with other borough's offers to keyworkers in line with this research.

However, in parallel, the Mayor of London's Transport Strategy sets the bold aim for 80% of all trips in London to be made on foot, by cycle or using public transport by 2041.<sup>65</sup> Similarly, in 2019 Hammersmith & Fulham Council declared a climate and ecological emergency. This declaration set an ambitious target to reach net zero carbon emissions by 2030 for our borough.<sup>66</sup> Locally, the Hammersmith & Fulham Education Project Team have been working closely with local schools to ensure that young people are at the heart of the Hammersmith & Fulham Climate Strategy to inspire children, young people, and their families to be powerful advocates for tackling the climate emergency.

Projects including Mudlarks, the Summer Programme: Recovery of Nature, and the Climate Education Group were recently recognised for the hard work happening within the education sector in the borough by being shortlisted for the LGC Awards 2021. As a result, this presents a conflict when considering any alteration to policy.

Balancing these conflicting interests, the commission has proposed recommendations recognising the social responsibility held by our schools to improve air quality and encourage greener journeys to schools.

### The Commission recommends that:

- The H&F Home Buy service should be promoted and publicised more widely through schools to ensure all staff are more aware of the offer and how to access it.
- The H&F Home Buy rental offer be developed as a matter of urgency to allow for a greater volume of alternatives to homeownership in the borough.
- The opportunity to repurpose public assets as affordable accommodation for teachers should be pursued, for example school lodges.
- The Local Authority should facilitate negotiations with H&F maintained nursery settings that offer the full day provision with wraparound care to provide reduced rates for payable fees to school staff. This offer to staff should include the H&F PVIs offering full day care where they are financially robust and judged to be good or outstanding by Ofsted.
- Term time only childcare provision should be explored when considering affordability.
- Where nursery provision is available on-site at the primary phase, preference should be given to education-based staff to access on a first-come-first-served basis.
- Any locally implemented measures to address teacher and support staff parking should be linked to the school travel plans to encourage green travel, and facilities should be made equitable across all schools for example sharing on-site facilities across multiple settings in close proximity.

<sup>65</sup> The Mayor's Transport Strategy - Transport for London (tfl.gov.uk)

<sup>66</sup> Climate and ecological emergency | LBHF



## 11. Recommendations

### Recommendations for Government

- The Commission acknowledges this issue is a national one and that it has limited powers to influence change. This national issue of fair pay is one that sits with central government in order review fair pay for all teachers and support staff.

### Recommendations for Hammersmith & Fulham Council

- The Local Authority Learning Partnership in conjunction with representatives from member schools should continue to facilitate a range of CPD courses for schools within the partnership, for example focusing on equality, diversity and inclusion and unconscious bias.
- The Local Authority expand the Educational Psychology Traded Offer of supervision beyond the ELSA and Safeguarding roles to provide support to all staff dealing with emotional issues raised by pupils, particularly where staff are acting as trusted adults to young people who are disclosing complex emotional difficulties.
- The Local Authority should expand the mental health aider programme.
- The Local Authority Learning Partnership should coproduce a draft wellbeing strategy with representatives from member schools which schools can adopt, ensuring consistency across all schools within H&F.
- A directory for staff redundancies should be created through the Learning Partnership, linked to the H&F schools recruitment website, for teaching and office staff to support retention in the borough.
- The H&F Home Buy service should be promoted and publicised more widely through schools to ensure all staff are more aware of the offer and how to access it.
- The H&F Home Buy rental offer be developed as a matter of urgency to allow for a greater volume of alternatives to homeownership in the borough.
- The opportunity to repurpose public assets as affordable accommodation for teachers should be pursued, for example school lodges.
- The Local Authority should facilitate negotiations with H&F maintained nursery

settings that offer the full day provision with wraparound care to provide reduced rates for payable fees to school staff. This offer to staff should include the H&F PVI's offering full day care where they are financially robust and judged to be good or outstanding by Ofsted.

- Term time only childcare provision should be explored when considering affordability.
- Hammersmith & Fulham carry out an audit of the teacher training partnerships to assess the quality of integration of delivery between the provider and their placement schools.

### **Recommendations for Hammersmith & Fulham Nurseries, Schools and Colleges**

- Schools should explore opportunities for promotion, with a consideration for both leadership roles and subject specialisms, particularly in light of the increasing trend towards Federation.
- All H&F school should implement a comprehensive health and wellbeing strategy outlining support available for staff and signposting for further support available and are encouraged to identify a named Mental Health Lead within the setting.
- Schools should consider implementing the mental health first aider programme locally to train staff to support colleagues in managing low level issues and signposting for further support available.
- Schools should consider joining the Education Support Employer Assistance Programme
- Flexible working be recognised as part of the health and wellbeing agenda to support staff, encouraging schools to promote job sharing opportunities and improved flexible working particularly in light of the increasing trend towards Federation.
- Where nursery provision is available on-site at the primary phase, preference should be given to education-based staff to access on a first-come-first-served basis.
- Any locally implemented measures to address teacher and support staff parking should be linked to the school travel plans to encourage green travel, and facilities should be made equitable across all schools for example sharing on-site facilities across multiple settings in close proximity.

- Schools and academies in the Borough are encouraged to focus their placements on a limited number of providers that can become strategic partners of the Borough
- All schools and academies are incentivised to provide placements, by exploring opportunities to explore pooling the resources for managing them, and for mentoring trainees.

### **Recommendations for Hammersmith & Fulham School Governing Bodies**

- Within their core functions for strategic planning, overseeing performance and holding the school leadership to account, school governing boards should promote and monitor opportunities for continued professional development by teaching staff.

# Appendix A: The Commissioners

## Commission Chair Denise Fox

Denise has been teaching in Hammersmith & Fulham for 40 years. A lifelong Fulham resident, Denise trained at Roehampton University before beginning her career at Hurlingham Girls' School (now the Hurlingham Academy) in 1976, moving to join her current school, Fulham Cross Girls, in 1985. Amongst her many achievements, Denise was awarded the TES Lifetime Achievement Award in 2018, recognising her lifelong dedication to improving young people's lives and empowering tomorrow's women.

Denise is a member of the Prison Me No Way Trust board where she serves as an Education Advisor and trustee. She is also an advisor on the board of trustees of Young Hammersmith & Fulham.

## Lead Commissioners Dr Graeme Atherton

Graeme has been working in access to higher education and social mobility for nearly 20 years, and has led regional, national and international initiatives to increase opportunity in higher education. After 6 years leading Aimhigher work in London, he founded and now leads both AccessHE and NEON, working to widen access to higher education in England. He holds Visiting Professorships at Amity Business School and Sunway University, Kuala Lumpur, Malaysia.

He is a member of the Board of the National Union of Students (NUS) and has produced over 200 conference papers, and publications in this field. Graeme has previously supported LBHF to set up the Primary Learning Partnership and has helped to evaluate the peer review process

## Asma Benhenda

A Research Fellow at the Centre for Education Policy and Equalising Opportunities, Asma's research focuses on education and labour economics. Building on the findings of her PhD thesis completed at the Paris School of Economics, Asma is focusing her research on the issue of teacher shortage and its consequences for educational inequalities. Her current research includes impact evaluations of teacher retention policies in England and France. Asma is strongly interested in the broad research agenda addressing inequalities and social justice: in economics, but also in sociology, history, law, and psychology

## David Collins

Dave began his teaching career in 2001, working in Hampshire at a large junior school teaching Year 6. Dave worked at three schools in Hampshire always teaching within Key Stage Two before coming out of class to be a Deputy Head within a Federation of schools. His first headship was in his last school in Hampshire, in a 1 form entry CoE Primary School. After 6 years he moved to Hammersmith as Headteacher at Brackebury Primary in 2016. In September 2021, Dave became the Executive Headteacher of the Brackebury, Kenmont and Wendell Park Primary School Partnership. Dave enjoys working in schools undergoing necessary improvement work, alongside coaching and mentoring other teachers and leaders, working collaboratively as part of a network of schools.

## Lord Jim Knight

Lord Jim Knight works in education, digital technology and as a legislator. He is a director of Suklaa Ltd, providing advice to clients in education. Jim is a founder of xRapid, an AI diagnostic business. He is the Chair of E-Act Multi Academy Trust, the Digital Poverty Alliance and CAST. He is a board member of Century- Tech, MACAT International and GoBubble and sits on the advisory bodies for Nord Anglia, Pickatale and BETT. As a government minister and MP, Jim's portfolios included rural affairs, schools, digital and employment. He was a member of Gordon Brown's Cabinet, before joining the Lords in 2010.

### **Professor Lindsey Macmillan**

Lindsey is a Professor of Economics and Director of the UCL Centre for Education Policy and Equalising Opportunities, working to design and inform evidence-led education policy and wider practice to equalise opportunities across the life course. She has published widely on topics relating to educational inequalities, including the impact of selective schooling systems on social mobility, understanding the improved performance of London pupils, and the characteristics and outcomes of those who under-match in higher education. Alongside her academic publications, Lindsey works closely with government and third sector organisations including the Department for Education and the Social Mobility Commission.

### **Contributing Commissioners Michelle Copeland**

Michelle is an English Teacher at Phoenix Academy and has lived in Hammersmith & Fulham all her life. Having started her career in city-based recruitment, Michelle moved to education in 2015 and she was a part of the turnaround team at Phoenix Academy which saw the school transformed from an inadequate rating from OFSTED to being judged a 'good' school during their last inspection.

Michelle is truly passionate about education and how it can be used as a tool for social mobility; her ethos is that social class or background should never be a barrier to learning and academic achievement. Michelle has a passion for ensuring disadvantaged students achieve in education and she really wants to make a difference in the lives of young people in Hammersmith & Fulham. Alongside her teaching role, Michelle is the Phoenix Academy SENDCO and is highly experienced in ensuring that suitable provision is offered to all students with additional needs.

Michelle's interest in joining the commission stems from a desire to ensure that students in LBHF are taught by the best teachers possible and that the best teachers stay in our borough. Michelle truly understands the pressures that working teachers face on a day-to-day basis and she is interested in developing innovative ways for our schools to recruit and retain excellent teaching staff which will mean that all young people in our borough receive an outstanding education.



## Appendix B: Key Reports and Literature Reviewed

### Diversifying the Teaching Profession: How to Recruit and Retain Teachers of Color

(Learning Policy Institute) 2018 (weblink)

- <https://learningpolicyinstitute.org/product/diversifying-teaching-profession-report>

### Evidence Review: The Effects of High-Quality Professional Development on Teachers And Students

(EPI) 2020 (weblink)

- <https://epi.org.uk/publications-and-research/effects-high-quality-professional-development/>

### Exploring Flexible Working Practice in Schools

(Department for Education) 2020 (weblink)

- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/938540/Eploring\\_flexible\\_working\\_practice\\_in\\_schools\\_-\\_pilot\\_school\\_summaries.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938540/Eploring_flexible_working_practice_in_schools_-_pilot_school_summaries.pdf)

### Flexible Working in Schools

(Department for Education) 2021 (weblink)

- <https://www.gov.uk/government/publications/flexible-working-in-schools/flexible-working-in-schools--2>

### TALIS 2013: Working Conditions, Teacher Job Satisfaction and Retention

(Department for Education) 2017 (weblink)

- [https://dera.ioe.ac.uk/30448/1/TALIS\\_2013\\_Evidence\\_on\\_Working\\_Conditions\\_Teacher\\_Job\\_Satisfaction\\_and\\_Retention\\_Nov\\_2017.pdf](https://dera.ioe.ac.uk/30448/1/TALIS_2013_Evidence_on_Working_Conditions_Teacher_Job_Satisfaction_and_Retention_Nov_2017.pdf)

### TALIS 2018: teacher working conditions, turnover and attrition

(Department for Education) 2020 (weblink)

- <https://files.eric.ed.gov/fulltext/ED604489.pdf>

### TALIS Indicators: Teachers' Working Conditions, Mobility and Risk of Attrition

(OECD) 2018 (weblink)

- <https://stats.oecd.org/index.aspx?queryid=97209>

### Hammersmith and Fulham Teaching Commission – Teacher Recruitment Overview

Professor Graeme Atherton

### How to Attract and Retain Teachers

(UCL CEPEO) 2021 (weblink)

- <https://repec-cepeo.ucl.ac.uk/cepeob/cepeobn13.pdf>

### Identifying and Producing Effective Teachers

(IZA Institute of Labor Economics) 2021 (weblink)

- <https://ftp.iza.org/dp14096.pdf>

### Impacts of Comprehensive Teacher Induction

(IES) 2010 (weblink)

- <https://ies.ed.gov/ncee/pubs/20104027/pdf/20104028.pdf>

### Teacher Autonomy: How Does It Related to Job Satisfaction and Retention

(NFER) 2020 (weblink)

- [https://www.nfer.ac.uk/media/3874/teacher\\_autonomy\\_how\\_does\\_it\\_relate\\_to\\_job\\_satisfaction\\_and\\_retention.pdf](https://www.nfer.ac.uk/media/3874/teacher_autonomy_how_does_it_relate_to_job_satisfaction_and_retention.pdf)

### Teacher Recruitment and Retention Strategy

(Department for Education) 2019 (weblink)

- [https://www.nfer.ac.uk/media/3874/teacher\\_autonomy\\_how\\_does\\_it\\_relate\\_to\\_job\\_satisfaction\\_and\\_retention.pdf](https://www.nfer.ac.uk/media/3874/teacher_autonomy_how_does_it_relate_to_job_satisfaction_and_retention.pdf)

### Teacher Retention – Overview of the Existing Evidence and Gaps in the Literature

Asma Benhenda and Lindsey Macmillan

### Teacher Supply, Retention and Mobility in London

(NFER) 2018 (weblink)

- [https://www.london.gov.uk/sites/default/files/nfer\\_gla\\_teacher\\_supply\\_retention\\_and\\_mobility\\_in\\_london\\_2018\\_0.pdf](https://www.london.gov.uk/sites/default/files/nfer_gla_teacher_supply_retention_and_mobility_in_london_2018_0.pdf)

### Teacher Well-being at Work in Schools and Further Education Providers

(Ofsted) 2019 (weblink)

- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/936253/Teacher\\_well-being\\_report\\_110719F.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936253/Teacher_well-being_report_110719F.pdf)

### Understanding Teacher Retention

(RANDEurope) 2021 (weblink)

- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/958634/Understanding\\_Teacher\\_Retention\\_Report\\_by\\_RAND-February\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/958634/Understanding_Teacher_Retention_Report_by_RAND-February_2021.pdf)

### Ten Steps Towards School Staff Wellbeing

(Anna Freud National Centre for Children and Families) (weblink)

- <https://www.annafreud.org/media/8506/school-staff-wellbeing-report-final-corrected-512.pdf>

### The Education Staff Wellbeing Charter

(Department for Education) 2021 (weblink)

- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1034032/DfE\\_Education\\_Workforce\\_Welbeing\\_Charter\\_Nov21.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034032/DfE_Education_Workforce_Welbeing_Charter_Nov21.pdf)

### The Effects of High-Quality Professional Development On Teachers And Students: A Cost-Benefit Analysis

(EPI) 2021 (weblink)

- <https://epi.org.uk/publications-and-research/the-effects-of-high-quality-professional-development-on-teachers-and-students/>

### The Hidden Costs of Teacher Turnover

(SAGE Journals) 2020 (weblink)

- <https://journals.sagepub.com/doi/full/10.1177/2332858420905812>

### The Impact of Covid-19 on Initial Teacher Training

(NFER) 2020 (weblink)

- <https://www.nfer.ac.uk/the-impact-of-covid-19-on-initial-teacher-training/>

### The Impact of Recessions on Teacher Labour Markets

(UCL CEPEO) 2020 (weblink)

- <https://repec-cepeo.ucl.ac.uk/cepeob/cepeobn4.pdf>

### The Mayor's Transport Strategy

(GLA) 2018 (weblink)

- <https://www.london.gov.uk/sites/default/files/mayors-transport-strategy-2018.pdf>

### The Role of Principals in Addressing Teacher Shortages

(Learning Policy Institute) 2017 (weblink)

- [https://learningpolicyinstitute.org/sites/default/files/product-files/Role\\_Principals\\_Addressing\\_Teacher\\_Shortage\\_BRIEF.pdf](https://learningpolicyinstitute.org/sites/default/files/product-files/Role_Principals_Addressing_Teacher_Shortage_BRIEF.pdf)

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[www.lbhf.gov.uk/councillors-and-democracy/resident-led-commissions/teaching-commission](http://www.lbhf.gov.uk/councillors-and-democracy/resident-led-commissions/teaching-commission)



# Agenda Item 5

## LONDON BOROUGH OF HAMMERSMITH & FULHAM

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Alternative Provision (AP) Strategy

**Report of:** Councillor Alex Sanderson, Cabinet Member for Children and Education

**Report author:** Joe Gunning, Programme Lead, Children's Commissioning,

**Responsible Director:** Jacqui McShannon, Strategic Director Children's Services

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### SUMMARY

Alternative provision (AP) is where children and young people of compulsory school age can receive their education if they are unable to remain in their school some, or all of the time. This can be for health reasons, exclusion, or because they need some additional support beyond that which can reasonably be offered by their school.

In March 2023, the Department for Education published the Special Educational Needs and Disabilities and Alternative Provision Improvement Plan. This publication was the government's response to the public consultation on the SEND Green Paper; Right Support, Right Place, Right Time consultation, which took place in 2022.

Hammersmith & Fulham have subsequently developed our local area Alternative Provision (AP) Strategy which sets out our strategic approach in light of these developments.

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### RECOMMENDATIONS

1. That Cabinet approves the Alternative Provision (AP) Strategy attached at Appendix 1.

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**Wards Affected:** All

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	Ensuring a person-centred approach that delivers the right level of support to meet presenting needs of children, young people and their families – and in so doing provide them with the best opportunities to thrive.
Creating a compassionate council	Listening and responding to feedback from professionals, young people,

	parents, carers, education settings and wider partners regarding what was working well, what needed improvement and where the gaps were with regards to current support available.
Doing things with local residents, not to them	The development of this document has been guided by feedback from key stakeholders, including young people and practitioners working across education, health, and care services.
Being ruthlessly financially efficient	This strategy provides a graduated approach to meeting needs within the borough, ensuring children receive the right support at the right time.
Taking pride in H&F	This strategy aligns to our vision of ensuring children and young people lead happy, healthy, and fulfilling lives and achieve their life goals.

## Financial Impact

There are no direct financial implications associated with the publication of the H&F Alternative Provision strategy.

It is expected that the implementation of the strategy and action plan will be managed within existing Children's Services approved budgets reported as part of the annual budget report to Cabinet and Council and as necessary through the regular financial monitoring reports.

This strategy will assist with the implementation of the traded outreach model which supports transformation in this area with respect to the Council's Safety Valve Agreement and linked to the wider sustainability of the Alternative Provision model.

*Financial implications completed by Tony Burton, Head of Finance Children's Services and Education, 25<sup>th</sup> October 2023*

*Financial implications verified by: James Newman, Assistant Director of Finance, 24<sup>th</sup> November 2023.*

## Legal Implications

The Council also has duties under the Children and Families Act 2014 to make special educational provision for children and young people whose needs cannot reasonably be met from the resources normally available to schools and post-16 institutions.

The Council has additional statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education and under the Children and Families Act 2014 to meet the needs of pupils and young people up to the age of 25 with special educational needs.

Publication of the Alternative Provision Strategy contributes to the fulfilment by the Council of these obligations. There are no other direct legal implications associated with the publication.

*Implications completed by Jade Monroe, Chief Solicitor, Social Care 18 October 2023*

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## **Background Papers Used in Preparing This Report**

None

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## **DETAILED ANALYSIS**

### **Proposals and Analysis of Options**

1. The Alternative Provision Strategy establishes our strategic approach to the delivery of AP for children and young people in Hammersmith & Fulham, ensuring the offer is coordinated and responsive to the needs of our community.
2. The strategy sets out our shared vision, principles, and priorities to ensure that Alternative Provision in H&F remains high quality and delivers the best outcomes for our children and young people. The development of this document has been guided by feedback from key stakeholders, including young people and practitioners working across education, health and care services.
3. The strategy is fundamental to implementing our responsibilities under the Children and Families Act 2014 and will be seen as a key document by OFSTED under their local area inspection regime as this underpins the local area strategic approach.

### **Option 1 – Approve and publish the H&F Alternative Provision Strategy (Recommended)**

4. In March 2023, the Government published the SEND and Alternative Provision (AP) Improvement Plan which sets out how we will work alongside children, young people, and their families, and those who work across every part of the SEND and alternative provision system, to deliver improvements for every child and young person with SEND and in alternative provision. The H&F Alternative Provision Strategy creates the infrastructure to deliver the recommendations within the green paper.
5. The AP Strategy clearly explains our strategic approach to Alternative Provision in H&F, in ensuring children and young people receive the right support at the right time. Approving and publishing this strategy enables the progression of key priorities in this area.
6. This option is recommended.



## **Option 2 – Do not approve and publish the H&F Alternative Provision Strategy (Not recommended)**

7. This option will not result in the delivery of the priorities set out in the document, adversely impacting the life chances and outcomes of children and young people attending this provision.
8. This option is not recommended.

### **Reasons for Decision**

9. The strategy is produced in the context of the statutory requirements set out in the Children and Families Act 2014 together with the guidance in the SEN Code of Practice that was issued alongside the 2014 Act. These provisions include the duty to keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability and made outside its area for children and young people for whom it is responsible who have special educational needs or who have a disability (section 27 of the 2014 Act).
10. The Act also requires the authority to consider the extent to which this provision is sufficient to meet the educational needs, training needs, and social care needs of the children and young people concerned.
11. In addition, the council also has a duty under section 30 to set out a “Local Offer” which indicates the range of education, health, and care provision available in the borough for children and young people with special educational needs or a disability or outside the borough for those children and young people with special educational needs that it is responsible for or who have a disability where this may be needed.
12. Approval of the AP Strategy contributes to the fulfilment by the Council of these obligations.

### **Equality Implications**

13. There are no direct negative equality implications for groups with protected characteristics, under the Equality Act 2010, by the approval of this strategy.

### **Risk Management Implications**

14. The strategy sets out a vision and principles which will guide the local area in delivering the strategy; ensuring needs are met as early as possible and that children achieve the best possible outcomes through alternative provision. This is in line with being a compassionate council and in being ruthlessly financially efficient.

*Implications verified by: Jules Binney, Risk and Assurance Manager, 26 October 2023*

## **Climate and Ecological Emergency Implications**

15. There are no anticipated climate and ecological implications as a result of publication of the strategy.

*Implications verified by Hinesh Mehta, Assistant Director for Climate Change, 19 October 2023*

## **Consultation**

16. An Alternative Provision thematic workshop was held with key professionals across the local area, where they explored the role of Alternative Provision within the borough. The findings which emerged from this, contributed to the development of this strategy.

## **LIST OF APPENDICES**

Appendix 1: Alternative Provision Strategy

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# Appendix 1 - Hammersmith & Fulham

## Alternative Provision Strategy

### 2023-2028



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## **INTRODUCTION**

Our Hammersmith & Fulham Alternative Provision Strategy 2023-2028 sets out our local area vision and priorities for supporting children and young people attending Alternative Provision and their families, and how we will work together to deliver these over the next five years.

The strategy applies to all children and young people attending Alternative Provision including those children with SEND who have an Education, Health and Care Plan or receive SEND Support. It is set within the context outlined in the Department for Education's (DfE) SEND Green Paper: Right Support; Right Place; Right Time, published in March 2022 following a national SEND Review. We are committed to supporting all of our children and young people to have the best possible outcomes so that they go on to have fulfilling lives, living healthily and as independently as possible.

We recognise that many of the young people that use alternative provisions will have special educational needs and/or disabilities (SEND) which is why we have unified our approach in this strategy to key SEND policies. This strategy will sit alongside our [SEND Strategy](#), [SEND Sufficiency Review](#), [Early Intervention Strategy](#), [Medical Needs Guidance](#) and [ACE Reference Manual](#) as well as align to other key documents outlining our approach to supporting children and young people within the borough.

This strategy involves all partner agencies, in Hammersmith and Fulham, who have responsibilities for commissioning and providing services for children and young people in alternative provisions including education settings and local authority services.

## **VISION**

The local area partnership is committed to ensuring children and young people lead happy, healthy, and fulfilling lives and achieve their life goals.

## **SHARED PRINCIPLES**

Underpinning our vision is a set of jointly agreed principles. We want all children and young people attending alternative provision to:

- Feel welcomed, included and valued.
- Have a voice, are listened to, have choice and control and are equal partners in decision-making about their own lives.
- Have their needs identified early and accurately, with effective support put in place quickly.
- Benefit from joined up support from staff who have the right knowledge and skills.
- Have access to high-quality education locally.
- Are clear about what they can ordinarily expect from their local services and education setting.
- Have high aspirations for their future with a clear focus on life outcomes across education, health and care.

Have access to the right information at the right time.

## **WHAT IS ALTERNATIVE PROVISION**

Local authorities are responsible for arranging suitable fulltime education for permanently excluded pupils, and for other pupils who because of illness or other reasons would not receive suitable education without such provision. This applies to all children of compulsory school age resident in the local authority area, whether or not they are on the roll of a school, and whatever type of school they attend. (The Education Act 1996 Section 19).

Alternative provision (AP) is where children and young people of compulsory school age can receive their education if they are unable to remain in their school some, or all of the time. This can be for health reasons, exclusion, or because they need some additional support beyond that which can reasonably be offered by their school.

For the Section 19 duty to be satisfied, it is important to ensure that the local authority, families, health, community groups and education settings work together in the best interests of all children within an inclusive education system.



## **ALTERNATIVE PROVISION COMMISSIONING ARRANGEMENTS**

The Council commissions Ormiston Academies Trust (OAT) on behalf of its school community via a Service Level Agreement (SLA). The OAT Courtyard caters for primary aged pupils and OAT Bridge caters for secondary aged pupils up to Key Stage Four.

The use of Alternative Provision in Hammersmith and Fulham is underpinned by several key principles. It must:

- Involve access to full-time education and entitlements.
- Be integrated within the core offer.
- Be cost-effective and offer value for money.
- Be accessed through transparent referral systems.
- Children, young people and their families are involved in decision making and their plans.

- Offer personalised learning opportunities which are tailored to meet a young person's individual needs, abilities, and interests.
- Include access to a range of appropriate vocational and accreditation opportunities.
- Include positive links and liaison between providers.
- Be alert to gaps in provision.
- Be delivered through clear and formal contracting arrangements.
- Incorporate stringent safeguarding principles and practice.
- Result in clearly defined, positive outcomes.

Throughout the provision is a wraparound support offer, including therapeutic input from speech and language and occupational therapists, providing a holistic approach to meeting needs. Increasing demand for mental health support is particularly true in Alternative Provision (AP) schools. In H&F there is a range of provision to meet needs of children to meet social, emotional and health needs commissioned by the Local Authority and Integrated Care Board delivered by the voluntary sector and NHS provider network.

Arrangements for the oversight of the SLA with Ormiston includes half termly monitoring meetings, school visits, reviews of destinations and performance progress data and the evaluation of the outreach services received by schools.

## **THE ROLE OF ALTERNATIVE PROVISION IN HAMMERSMITH & FULHAM**

The Local Area Partnership is committed to early identification and intervention and Alternative Provision forms a fundamental element of the Council's whole system approach to meeting needs.

Our high-quality alternative provision, including for social, emotional, and mental health needs, creates additional capacity for mainstream school leaders and staff to identify and support a child's needs earlier, re-engaging pupils in education and empowering them to be a success. In Hammersmith and Fulham, Alternative Provision is an intervention, not a destination.

The support for children and young people operates on a three-tier model of universal, targeted and specialist support. The breadth of support is outlined in the diagram below.



## TRANSITION PLANNING

It is expected that all children attending OAT Alternative Provision will be supported to return to mainstream provision where it is reasonable to do so.

Once a pupil is placed at OAT a reintegration plan will be established. The plan will indicate the half-term that the pupil is expected to transition back to mainstream or Post 16 provision.

The reintegration is a supported process whereby pupil's move from a period of support and intervention or a permanent exclusion in an alternative provision, back into mainstream education. The process is coordinated by the alternative provision and the receiving school. The Local Area Fair Access Panel will support and moderate this process.

When the pupil is ready to return to mainstream education, the provider must:

- Demonstrate to the receiving school pupil progression from their base line assessment.
- Have had a discussion with the pupil and their parent.
- Arrange the planning meeting for the 6-week reintegration process to begin.

## SCHOOL COMMISSIONED ALTERNATIVE PROVISION - QUALITY ASSURANCE

Schools often commission their own alternation provision. Responsibility for the alternative provision used rests with the education setting commissioning the placement.

All commissioners should carefully consider what providers are available that can meet the needs of their pupils, including the quality and safety of the provision, costs,



and value for money. Commissioners should maintain ongoing contact with the provider and pupil, with clear procedures in place to exchange information, monitor progress and provide pastoral support.

Schools and other commissioners should ensure appropriate quality assurance is undertaken of all Off Site and/or alternative provision accessed by pupils. The school commissioning the placement should maintain a full record of all placements they make, including a pupil's progress, achievements and destination following the placement. This should also include the pupil's own assessment of their placement.

## **UNREGISTERED ALTERNATIVE PROVISION**

The Council commissions alternative provision via the OAT Academies, free schools, registered independent schools and general hospital schools, all of which are regulated as schools.

The council does not commission any unregistered provision to meet the needs of pupils requiring alternative provision. Children's Services oversee the implementation of the Unregistered Schools Strategy, working alongside other key council departments.

Unregistered schools present a safeguarding risk because they are not regulated. Any information about a premise that appears to be an educational establishment is passed to the Education Safeguarding in Schools Officer and ACE team. If the establishment is not known, the relevant Council officer will report it to Ofsted for their investigation.

All education settings are strongly encouraged to use registered alternative provision. The AP Census is monitored closely to highlight any children or young people who are using unregistered provision.

## **KEY PRIORITIES**

### **Priority 1 – Sustainable transitions into Post 16 and Preparation for Adulthood**

What we plan to do:

- Strengthen the young person's voice in their own transition planning.
- Appoint a transition coach/mentor to work with students while in year 11 and support them to make appropriate post 16 applications and then to support these students once they have transferred in the Autumn term to their post 16 destinations through mentoring support etc.
- Build employability skills – employing career organisations to deliver intensive employability programmes in year 10 and year 11 using strategies to build employability skills including teamwork, creativity, business encounters, personal responsibility, and work experience.
- Raise aspirations by including alternative activities that inspire, stretch and challenge via the use of speakers, sports, and visits.

- To provide family support by employing a counselling group to help parent(s) support their children more effectively through AP and into post 16.

How will we know we are making progress?

- Pathways for children and young people attending AP will be clear and show the different options and access arrangements.
- Children, young people and their families will experience greater choice and control over decisions and their journey will be in line with their aspirations.
- Young people will have been actively involved in their holistic plans.
- With greater parental confidence in mainstream schools, more children transfer to mainstream secondary and further education colleges.

## **Priority 2 – Excellent attendance for all children and young people attending Alternative Provision**

What we plan to do:

- Ensure robust use of part time timetables.
- Continue to embed our recently developed quality assurance framework for monitoring and evaluating the quality and suitability of alternative education provision.
- Embed School Attendance Support Officers (SASOs) practice alongside commissioned AP to ensure compliance with regulations and raise the attendance profile across Children and Young People Services (CYP).
- Implement research-based strategies to remove the barriers to attendance including attendance displays and rewards, attendance meetings with contracts in place and fortnightly reviews as well as home visits undertaken for targeted pupils.
- Produce a policy and practice documents to support children and young people identified with Emotional Based School Avoidance (EBSA).

How will we know we are making progress?

- Attendance for children and young people attending AP is above national comparators.
- Attainment of children who have been supported through AP is improved to ensure they leave school with the best possible results.
- Suspensions and exclusions are reduced.

## **Priority 3 – A high quality Behaviour Outreach Service**

What we plan to do:

- Review in partnership with schools and Ormiston Academy Trust the social, emotional, and mental health (SEMH) outreach provision
- Develop a remodelled early intervention traded model that has a well-defined graduated approach to supporting children to be successful in their mainstream setting for implementation from April 2024.

How will we know we are making progress?

- Attendance of pupils is in line with or better than national averages during and up to 6 months post support.

- Baseline assessments evidence improvement in pupil SEMH at completion of service intervention.
- Baseline assessments evidence improvement in pupil access of the curriculum at completion of service intervention.
- 85% of pupils receive zero suspensions and 95% of pupils receive zero permanent exclusions in the subsequent twelve months post interventions.
- 85% of pupils receive zero fixed term exclusions and 95% of pupils receive zero permanent exclusions in the subsequent twelve months post interventions.
- All schools are in line with or better than national average for both suspensions and permanent exclusions.



## **MEASURING SUCCESS**

As part of this five-year strategy, we have identified performance areas against each priority for which SMART targets will be set and reviewed at least annually. We are co-producing our SEND Outcomes Framework with key stakeholders.

SEND and AP systems can be complex and make it difficult to see whether the changes in the system are making a difference for children and young people. We will be using a range of information including audit, data, and stakeholder feedback to tell us how well we are performing, what's working well and where we need to act to achieve change.

We will refine our baseline data which is made up of information from: our Joint Strategic Needs Assessment, our local area SEND self-evaluation (SEF); stakeholder feedback; coproduction activities; relevant H&F datasets; and regional and national benchmarking and work is underway across the partnership to build on our existing datasets and develop a set of agreed success measures for incorporating within our SEND Data Dashboard.

## **GOVERNANCE**

Day to day oversight of Alternative Provision is overseen by the Education and SEND Leadership Team within the Local Authority. Any queries regarding Alternative Provision should be directed to them in the first instance.

## **OVERSIGHT**

Oversight is provided by the Children's Health, Education, and Social Care Partnership Board which spans the range of local area partners involved in working with children and young people.

## London Borough of Hammersmith & Fulham

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Council Tax Support Scheme 2024/25

**Report of:** Councillor Rowan Ree, Cabinet Member for Finance and Reform

**Report author:** Kirsty Brooksmith, Assistant Director Benefits

**Responsible Director:** Sukvinder Kalsi – Strategic Director of Finance

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### SUMMARY

Since 2013, every council has been required to set its own Council Tax Support Scheme, setting out how it wants to help those on low income pay their council tax. The administration is determined to ensure that not only are residents no worse off than they would have been had the original Council Tax benefit regulations stayed in place, but also to try and reverse some of the regressive elements of Council Tax, by ensuring that lower income families are supported by the council. This constitutes a £9.0m investment by the Council to support the borough's lowest income families for 2024/25

Pre-2013, funding for the Council Tax Support Scheme was originally provided directly from the Government to cover the full cost of the scheme. Since then, funding has been absorbed and aggregated within other central government grants given to local authorities. The funding that the Council receives each year towards the cost of the scheme expenditure is contained within the Revenue Support Grant. Grant funding from Central Government has reduced by £48m (56% in real terms) from 2010/11 to 2023/24.

Residents are facing the most challenging of times with the cost-of-living crisis, therefore the Council is committed to ensuring that we continue to support our residents with the maximum amount of support we can, through the Council Tax Support Scheme for 2024/25.

Last year Hammersmith and Fulham was one of only 34 Councils out of 326 across England to take this approach. Most other councils have introduced a “minimum payment”, which requires everyone to pay at least some Council Tax regardless of their income. The average minimum payment has risen on average from 0% to 19% in recent times, with one example charging to 50% as a minimum contribution.

Our scheme for 2024/25 remains the most effective scheme for ensuring we provide the maximum support to our residents with 100% support to those on the lowest incomes.

Recent analysis carried out by Policy & Practice in 2023, using their Better Off Calculator, which models every Council Tax Support scheme in the country, shows that the difference between the most and least generous schemes in England is

worth around £87 per month for an out-of-work couple living in a Band D property. This is a significant amount and therefore is critical in mitigating the impact on poverty levels during the continued cost of living crisis.

This analysis further showed a clear relationship between arrears and the level of Council Tax support, with those receiving the most support having the lowest Council Tax arrears and those with the greatest reduction in Council Tax support compared to the default scheme having the highest Council Tax arrears. This is why it is so important if we are to continue improving collection rate on our arrears position that we continue giving the maximum amount of support we can, whilst we are still in the midst of a cost-of-living crisis. Having fewer households in debt is also likely to reduce the need for emergency support across other council departments, therefore not creating additional budget pressures on existing provisions of service.

Latest releases from the Department of Levelling Up, Housing and Communities (DHLUC) report state that as of 31 March 2023, the total amount of Council Tax still outstanding amounted to £5.5 billion. This is a cumulative figure and includes arrears that may stretch back a number of years. This is an increase of £510 million over the figure at the end of 2021-22. This has still largely been attributed to the impact of the covid pandemic and councils' delay in commencing recovery activity as well as the current cost of living crisis.

A recent poll carried out by YouGov, commissioned by City Hall in October 23 showed that 21 per cent of London adults were 'financially struggling' in September 2023- the same as in August and July and a drop of just two points from the 23 per cent who said they were struggling in June. In January 2022, the figure was 12 per cent.

The continued cost of living crisis is increasing the financial pressure being placed on our residents. As such, we have made over £2.83 million available to our residents through our cost of living help to mitigate some of this pressure, this is why this Council has chosen once again for 2024/25 not to introduce changes to their local schemes and remains committed to offering the most help to the lowest income families in our borough.

This report is therefore not proposing to make any changes to the Council Tax Support Scheme for 2024/25 other than the application of the annual uprating.

The annual uprating will apply to the allowances, applicable amounts, and income for both pensioners and working age Department of Work and pensions (DWP) benefits, as per the Housing Benefit uprating circular issued to local authorities in late November 2023. This circular advises the new rates from April 2024. All local authorities have a duty to apply uprating to their Housing Benefit Scheme and we propose to continue to reflect this uprating within our Council Tax Support Scheme to mirror the original intention of the default scheme. This will ensure transparency, ease of administration and clarity for our residents.

#### **War Pensions and War Widow(ers) Pension disregard**

In addition, we also want to re-affirm our commitment to our treatment of War Pensions and War Widow(ers) Pensions within our Council Tax Support Scheme and our Housing Benefit Scheme, in order to safeguard the finances of war pensioners and war widow(er)s in the borough.

Before the introduction of the Social Security Administration Act 1992, there was a statutory £10.00 per week disregard on War Disability and War Widows pensions in means tested social security benefits including Housing Benefit. Above the £10.00 per week disregard, the pensions were counted as income, reducing the amount of benefit received.

Section 134(8) of the Social Security Administration Act 1992 allowed councils to disregard up to 100% of war pensions above the £10.00 per week disregard. The cost of this disregard is borne by the council. Hammersmith A Fulham Council agreed to disregard war pensions in full above the weekly disregard in the 1990s.

From April 2005, the War Pension and War Widow(er)s Pension schemes were closed to applicants who were injured or became a widow(er) after this date and replaced by the Armed Forces Compensation Scheme. Payments from the Armed Forces Compensation Scheme were given a full statutory disregard in means tested benefits including Housing Benefit.

The £10.00 disregard also applied to Council Tax Benefit, but when this was replaced by our local Council Tax Support Scheme in 2013, Hammersmith and Fulham Council made the decision to continue to fully disregard War Pensions and War Widow(er)s Pensions to reflect the adoption of these rules within our Council Tax Support Scheme.

Last year, a number of councils were asked to provide evidence that they had passed resolutions disregarding War Pensions and War Widow(er) Pensions from Housing Benefit and their Council Tax Support Scheme by external auditors. We like many other councils no longer have the original documentation confirming the original disregard decision in the 1990's and the auditors have agreed to accept the historic position but insist that councils re-affirm their agreement to the disregard going forward.

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## **RECOMMENDATIONS**

It is recommended that Cabinet agrees the following recommendations to be approved by Full Council:

1. That the Council Tax Support Scheme in operation in 2023/2024 (included at Appendix 1) shall continue in 2024/2025.
2. That the Council shall apply the annual uprating of allowances, applicable amounts and income, set out in the DWP Housing Benefit circular, to the Council Tax Support scheme for 2024/2025.
3. That the Council shall re-affirm the discretionary disregards for War Pensions and War Widow(er)'s Pensions in order to safeguard the finances of war pensioners and war widow(er)s in both the Housing Benefit Scheme and the Council Tax Support Scheme. .

## Wards Affected: All

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	We'll support our low-income residents by ensuring our scheme gives them the maximum benefit of up to 100%, contributing to keeping their living costs, including their council tax, affordable.
Creating a compassionate council	We are continuing our local Council Tax Support Scheme to the most vulnerable amongst us, so we know they are looked after financially.
Doing things with local residents, not to them	We'll continue to listen to and work with our residents by offering financial support to them. We will continue to monitor the impacts of economic and welfare changes on our residents, ensuring we understand their needs. This will allow us to continue to target our help to support them where they say it is needed the most.
Being ruthlessly financially efficient	We want our residents to know we are working to protect and maintain policies that protect our most vulnerable.

## Financial Impact

The Council Tax Support Scheme operates by offering a discount to residents who need help paying their Council Tax. The cost of the scheme is shared between Hammersmith & Fulham Council and the Greater London Authority based on their respective Council Tax charges. The scheme cost is estimated at £13.5m in 2024/25, based on current Council Tax levels, of which the Hammersmith and Fulham share will be £9.0m. This estimate is allowed for within the 2024/25 Council Tax Base report and the Council's Medium-Term Financial Strategy.

Up until 2013, funding for the Council Tax Support Scheme (known as the Council Tax Benefit Scheme) was originally provided specifically through the Revenue Support Grant (RSG) from the Government. The Government abolished the national Council Tax Benefit scheme from 1 April 2013 and allowed local councils to develop their own local replacement schemes for working age residents. Government grant funding has reduced by £48m (56% in real terms) from 2010/11 to 2023/24.

Implications provided by: Andre Mark, Head of Finance, Strategic planning and investment, Telephone: 07776 673 099, Email: andre.mark@lbhf.gov.uk  
Verified by James Newman, Assistant Director of Finance, 20 November 2023



## Legal Implications

Each financial year the Council must consider whether it wants to revise its Council Tax Support Scheme, leave as is or replace it. The Council must make this decision no later than 31 January in the financial year preceding when the scheme is to take effect.

The Council has a statutory duty to set the council tax each year and this report is part of this process. The Council can only vary or set council tax discounts or higher amounts as legally empowered to do so. The relevant regulations and legislation are the Local Government Finance Act 1992, the Local Authorities (Calculation of Council Tax Base) Regulations 2012, and the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, as amended in 2012. The Council Tax base has been calculated in accordance with the relevant Acts and regulations.

Implications verified by: Jade Monroe, Chief Solicitor, Telephone: 020 8753 2695, Email: [jade.monroe@lbhf.gov.uk](mailto:jade.monroe@lbhf.gov.uk), 13 November 2023

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## Background Papers Used in Preparing This Report

None

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## DETAILED ANALYSIS

### Proposals and Analysis of Options

1. No further options regarding proposing changes to introduce a minimum contribution have been considered this year. Changes such as this would result in working age families having to contribute to their Council Tax. These options have not been considered in light of the cost-of-living crisis and the financial difficulties residents are facing at this current time.

### Reasons for Decision

2. The Council are not proposing any changes to the scheme this year. This scheme is particularly important this year in light of the financial challenges residents are facing due to the ongoing economic impacts of the cost-of-living crisis, including the rising fuel and food prices, and the significant inflationary increases in overall living costs.
3. The Council continues to see evidence of reliance on the use of foodbanks across Hammersmith & Fulham which we are continuing to monitor and support through the work we are doing through our cost-of-living programme. Efforts are concentrated on ensuring food banks and residents continue to receive funding through any government grants received in 2024/25 to help mitigate the impact of reducing household disposable income. The consequence of changing the scheme would have exposed the lowest income families to a reduction in their income which would have led to a rise in arrears and complexities around income collection for both council rents and Council Tax.

4. Currently there are 13,389 households receiving Council Tax Support in Hammersmith & Fulham, of these 4,899 are pensioner age therefore would be unaffected by any changes to the Council Tax Support Scheme and 8,490 are of working age. Therefore, any changes made would detrimentally impact the largest proportion of our working age caseload.
5. The Council has concluded that if changes were made to the scheme to introduce a minimum contribution towards council tax for working age customers on low incomes, it would be seeking repayment from the poorest in our society, many of whom have already been severely financially impacted this year.

### **Equality Implications**

6. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of these proposals.
7. On the 5th June 2023, Hammersmith & Fulham decided to treat Care leavers as a protected characteristic within its Local Council Tax Exemptions and Discount Schemes, this is in acknowledgement of the inequality, discrimination and stigma faced by care leavers within our Council Tax therefore care leavers are now exempt from having to pay Council Tax up to the age of 25.

### **Risk Implications**

8. Over the last decade, local authorities have received significant real terms cuts to budgets, in addition the Government's Universal Credit Scheme has posed challenges to the poorest and most vulnerable in society. Council tax benefit was a UK-wide benefit that provided support for council tax to low-income families. This was abolished in April 2013 and local authorities in England were charged with designing their own council tax support schemes in its place. Although these must maintain support for pensioners at its previous level, local authorities have wide discretion to design their own schemes for working-age families. The Council's scheme contributes positively to our residents, meeting their needs and expectations. It also contributes to our council values most specifically being a compassionate council, so the most vulnerable among us are looked after.

Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 10 November 2023

### **Climate and Ecological Emergency Implications**

9. There are no anticipated climate or ecological implications as a result of the approval of this recommendation.

### **Consultation**

10. There is no requirement to consult this year as we are not proposing any changes to our scheme.

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Fulham  
Council Tax Reduction Scheme  
2023/24**

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## **PART 1 - Introduction**

### **1.— Citation, commencement, and application**

- (1) This scheme may be cited as the London Borough of Hammersmith and Fulham Council Tax Reduction Scheme 2023/24 and comes into effect on 1 April 2023.
- (2) This scheme applies in relation to the billing authority in England known as the London Borough of Hammersmith and Fulham.
- (3) This Council Tax Reduction Scheme for working age applicants has been determined by the Council and is intended to assist people in financial need, by the award of a reduction in their council tax liability. It is a local scheme determined in respect of a decision made by full Council. Central Government has prescribed that the reduction given to pensioners.
- (4) The scheme in respect of pension age applicants is defined by Central Government within the following:
  - (a) Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
  - (b) Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
  - (c) Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
  - (d) Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
  - (e) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
  - (f) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
  - (g) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
  - (h) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
  - (i) The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
  - (j) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
  - (k) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
  - (l) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
  - (m) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
  - (n) The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022;
  - (o) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023; and
  - (p) Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012)
- (5) Whilst the scheme for those who have reached the qualifying age for state pension credit is set by Central Government, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012) to disregard in full the following:
  - (a) a war disablement pension;
  - (b) a war widow's pension or war widower's pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

The provisions outlined above, enhance the Central Government's scheme for Pension age applicants.

- (6) The incomes outlined within paragraph (6) shall also be disregarded in full for all persons who are not pensioners. Both this and the enhancement to the pensioner's scheme meets the authority's commitment to the Armed Forces Covenant.
- (7) Except where otherwise stated, an uprating will be applied to the Council Tax Reduction Schemes to reflect national changes to the amounts of pensions, tax credits, income related and non-income related social security benefits and allowances, component parts, applicable amounts, premiums, and deductions.

## PART 2 Interpretation

2.—(1) In this scheme—

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

“adoption leave” means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

“adult disability payment” ;as the meaning given in regulation 2 of the DAWAP Regulations;

“an AFIP” means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;

“alternative maximum council tax reduction” means the amount determined in accordance with paragraph 30 and Schedule 4;

“applicable amount” means—

(a) in relation to a pensioner, the amount calculated in accordance with paragraph 24 and Schedule 2, and

(b) in relation to a person who is not a pensioner, the amount calculated in accordance with—

(i) paragraph 25 and Schedule 3; or

(ii) paragraph 27,

as the case may be;

“applicant” means a person applying for a reduction under this scheme;

“application” means an application for a reduction under this scheme;

“appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker's allowance or an employment and support allowance;

“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

“assessment period” means the period determined—

(a) in relation to pensioners—

(i) in relation to the earnings of a self-employed earner, in accordance with paragraph 42 of this scheme for the purpose of calculating the weekly earnings of the applicant;

or

(ii) in relation to any other income, in accordance with paragraph 39 of this scheme for the purpose of calculating the weekly income of the applicant;

(b) in relation to persons who are not pensioners, such period as is set out in paragraphs 46 to 48 of this scheme over which income falls to be calculated;

“attendance allowance” means—

(a) an attendance allowance under Part 3 of the SSCBA(3);

(b) an increase of disablement pension under section 104 or 105 of that Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to that Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to that Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

“the authority” means the billing authority in whose area this scheme has effect by virtue of paragraph 4 of Schedule 1A to the 1992 Act;

“basic rate” has the meaning given by the Income Tax Act 2007;

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**“the benefit Acts”** means the SSCBA, the Jobseekers Act 1995, the State Pension Credit Act 2002, and the Welfare Reform Act 2007;

**“board and lodging accommodation”** means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

**“care home”** has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

**“the Caxton Foundation”** means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

**“child”** means a person under the age of 16;

**“child benefit”** has the meaning given by section 141 of the SSCBA;

**“child disability payment”** has the meaning given by regulation 2 of the DACYP Regulations;

**“child care costs element”** has the meaning given by regulation 27 of the Universal Credit Regulations 2012;

**“child tax credit”** means a child tax credit under section 8 of the Tax Credits Act 2002;

**“close relative”** means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

**“concessional payment”** means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002 are charged;

**“contributory employment and support allowance”** means a contributory allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

**“council tax benefit”** means council tax benefit under Part 7 of the SSCBA;

**“couple”** has the meaning given by paragraph 4 of this scheme;

**“DACYP Regulations”** means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;

**“the DAWAP Regulations”** means the Disability Assistance for Working Age People (Scotland) Regulations 2022;

**“designated office”** means the office of the authority designated by it for the receipt of applications—

(a) by notice upon or with a form supplied by it for the purpose of making an application; or

(b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or

(c) by any combination of the provisions set out in paragraphs (a) and (b);

**“disability living allowance”** means a disability living allowance under section 71 of the SSCBA;

**“dwelling”** has the meaning given by section 3 of the 1992 Act;

**“earnings”** has the meaning given by paragraph 40, 42, 43 or 50 of this scheme as the case may be;

**“the Eileen Trust”** means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

**“electronic communication”** has the same meaning as in section 15(1) of the Electronic Communications Act 2000;

**“employed earner”** is to be construed in accordance with section 2(1)(a) of the SSCBA and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

**“the Employment, Skills and Enterprise Scheme”** means a scheme under section 17A (schemes for assisting persons to obtain employment: ““work for your benefit”” schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

**“employment zone”** means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **“employment zone programme”** means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

**“enactment”** includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

**“extended reduction”** means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

**“extended reduction period”** means the period for which a person is in receipt of an extended reduction in accordance with paragraph 87, 94 or 99;

**“extended reduction (qualifying contributory benefits)”** means a reduction under this scheme for which a person is eligible in accordance with paragraph 87 or 98;

**“family”** has the meaning given by paragraph 6 of this scheme;

**“the Fund”** means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

**“Grenfell Tower support payment”** means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;”;

**“guarantee credit”** is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

**“a guaranteed income payment”** means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

**“historical child abuse payment”** means a payment made under:

(a) Part 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019;

(b) Part 4 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

**“housing benefit”** means housing benefit under Part 7 of the SSCBA;

**“housing costs element”** has the meaning given by regulation 21 of the Universal Credit Regulations 2012;

**“an income-based jobseeker’s allowance”** and **“a joint-claim jobseeker’s allowance”** have the meanings given by section 1(4) of the Jobseekers Act 1995;

**“income-related employment and support allowance”** means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

**“independent hospital”**—

(a) in England means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

**“the Independent Living Fund (2006)”** means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

**“invalid carriage or other vehicle”** means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

**“local authority”** means a local authority in England within the meaning of the Local Government Act 1972

**“the London Bombings Relief Charitable Fund”** means the company limited by guarantee number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability, or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

**“the London Emergencies Trust”** means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017

**“lone parent”** means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

“the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29<sup>th</sup> January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

“the Macfarlane (Special Payments) (No. 2) Trust” means the trust of that name, established on 3<sup>rd</sup> May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

“main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 or the applicant is a member of the work-related activity group except in Part 1 of Schedule 3;

“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

“main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 or the applicant is a member of the work-related activity group except in Part 1 of Schedule 3

“member of a couple” means a member of a married or unmarried couple;

“MFET Limited” means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

“mobility supplement” means—

(a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vi) of Schedule 5 to this scheme refers;

(b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

“mover” means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of the authority to a dwelling in the area of a second authority;

“the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28<sup>th</sup> March 2019;

“net earnings” means such earnings as are calculated in accordance with paragraph 41 or 51 of this scheme, as the case may be;

“net profit” means such profit as is calculated in accordance with paragraph 60 of this scheme;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs 89, 96 and 101, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by paragraph 9 of this scheme;

“occasional assistance” means any payment or provision made by a local authority, the Welsh Ministers, or the Scottish Ministers for the purposes of—

(a) meeting, or helping to meet an immediate short-term need—

- (i) arising out of an exceptional event or exceptional circumstances, or
- (ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and—

- (i) “local authority” has the meaning given by section 270(1) of the Local Government Act 1972; and

- (ii) “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life;

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“occupational pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993;

“parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;

“partner”, in relation to a person, means—

(a) where that person is a member of a couple, the other member of that couple; or  
 (b) where that person is polygamously married to two or more members of his household, any such member to whom he is married;

**“paternity leave”** means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;

**“pension fund holder”** means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers, or scheme administrators, as the case may be, of the scheme concerned;

**“pensionable age”** has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

**“pensioner”** has the meaning given by paragraph 3(2)(a) of this scheme;

**“person on income support”** means a person in receipt of income support;

**“person who is not a pensioner”** has the meaning given by paragraph 3(2)(b) of this scheme;

**“persons treated as not being in Great Britain”** has the meaning given by paragraph 21 of this scheme;

**“personal independence payment”** has the meaning given by Part 4 of the Welfare Reform Act 2012;

**“personal pension scheme”** means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

(b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

**“policy of life insurance”** means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

**“polygamous marriage”** means any marriage to which paragraph 5 of this scheme applies;

**“public authority”** includes any person certain of whose functions are functions of a public nature;

**“qualifying age for state pension credit”** means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002-

(a) in the case of a woman, pensionable age; or  
 (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

**“qualifying contributory benefit”** means—

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

**“qualifying income-related benefit”** means—

(a) income support;

(b) income-based jobseeker’s allowance;

(c) income-related employment and support allowance;

**“qualifying person”** means—

(a) a person in respect of whom a Grenfell Tower support payment has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, Discretionary Fund, the Windrush Compensation Scheme National Emergencies Trust or the London Bombings Relief Charitable Fund;

**“reduction week”** means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

**“relative”** means a close relative, grandparent, grandchild, uncle, aunt, nephew, or niece;

**“relevant week”**, in relation to any particular day, means the week within which the day in question falls;

**“remunerative work”** has the meaning given by paragraph 10 of this scheme;

**“rent”** means **“eligible rent”** to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 29 (non-dependant deductions) of this scheme;

**“resident”** has the meaning given by Part 1 of the 1992 Act;

**“savings credit”** is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

**“the Scottish Infected Blood Support Scheme”** means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978(b))

**Scottish basic rate”** means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;

**“Scottish taxpayer”** has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998(f);”

**“second authority”** means the authority to which a mover is liable to make payments for the new dwelling;

**“self-employed earner”** is to be construed in accordance with section 2(1)(b) of the SSCBA;

**“self-employment route”** means assistance in pursuing self-employed earner’s employment whilst participating in—

(a) an employment zone programme;

(b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or

(c) the Employment, Skills, and Enterprise Scheme;

**‘Service User’** references in this scheme to an applicant participating as a service user are to

- a person who is being consulted by or on behalf of—
  - (i) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
  - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph;

**“single applicant”** means an applicant who neither has a partner nor is a lone parent;

**“the Skipton Fund”** means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions;

**“sports award”** means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 out of sums allocated to it for distribution under that section;

**“the SSCBA”** means the Social Security Contributions and Benefits Act 1992;

**“state pension credit”** means state pension credit under the State Pension Credit Act 2002;

**“statutory parental bereavement pay”** means a payment to which a person is entitled in accordance with section 171ZZ6 of the Social Security Contribution and Benefits Act 1992

**“tax year”** means a period beginning with 6th April in one year and ending with 5th April in the next;

**“training allowance”** means an allowance (whether by way of periodical grants or otherwise) payable—

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Chief Executive of Skills Funding, or the Welsh Ministers;

(b) to a person for his maintenance or in respect of a member of his family; and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers, but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the Employment and Training Act 1973, or is training as a teacher;

**“the Trusts”** (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust and **“Trustees”** is to be construed accordingly;

**“universal credit”** has the meaning given by section 1 of the Welfare Reform Act 2012;

**“voluntary organisation”** means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

**“war disablement pension”** means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

**“war pension”** means a war disablement pension, a war widow’s pension, or a war widower’s pension;

**“war widow’s pension”** means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

**“war widower’s pension”** means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

**“water charges”** means—

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

**“the We Love Manchester Emergency Fund”** means the registered charity of that name (number 1173260) established on 30th May 2017;

**“the Windrush Compensation Scheme”** means—

(a) the scheme of that name operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom; and

(b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances” which was operated by the Secretary of State for the purpose of compensating individuals who, for urgent and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;

**“Windrush payment”** means a payment made under the Windrush Compensation Scheme (Expenditure) Act 2020

**“working tax credit”** means a working tax credit under section 10 of the Tax Credits Act 2002;

**“young person”** means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

(2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations 1996 or section 19 or 20A or regulations made under section 17A of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker’s Allowance Regulations 1996 or section 19 or 20A or regulations made under section 17A of that Act;

(c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and no joint-claim jobseeker’s allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;

(d) in respect of which an income-based jobseeker’s allowance or a joint-claim jobseeker’s allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

(4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007 (disqualification); or

(b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.



- (5) For the purposes of this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (6) In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- (7) In this scheme, references to any person participating as a service user are to –
- (a) a person who is being consulted by or on behalf of–
    - (i) a body which has a statutory duty to provide services in the field of health, social care, or social housing; or
    - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving services, In their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;
  - (aa) a person who is being consulted by or on behalf of
    - (a) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
    - (b) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- (b) the carer of a person consulted as described in sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.

**Application of scheme: pensioners and persons who are not pensioners.**

- 3 - (1) In this scheme–
- (a) a person is a “pensioner” if–
    - (i) he has attained the qualifying age for state pension credit; and
    - (ii), he is not and, if he has a partner, his partner is not–
      - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or
      - (bb) a person with an award of universal credit; and
  - (b) a person is a “person who is not a pensioner” if–
    - (i) he has not attained the qualifying age for state pension credit; or
    - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is–
      - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or
      - (bb) a person with an award of universal credit.
- (2) For the purposes of sub-paragraphs (a)(ii)(bb) and (b)(ii)(bb) in paragraph (1) an award of universal credit is to be disregarded during the relevant period.
- (3) In this regulation–
- “assessment period” has the same meaning as in the Universal Credit Regulations 2013;
  - “relevant period” means the period beginning with the day on which P and each partner of P has attained the qualifying age for state pension credit and ending with the day on which the last assessment period for universal credit ends.

**Meaning of “couple”**

- 4.-(1) In this scheme “couple” means–
- (a) a man and woman who are married to each other and are members of the same household;
  - (b) a man and woman who are not married to each other but are living together as if they were a married couple or civil partners;
  - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
  - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.

- (2) Two people of the same sex who are not civil partners of each other are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.

#### **Polygamous marriages**

- 5.—(1) This paragraph applies to any case where—
- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
  - (b) either party to the marriage has for the time being any spouse additional to the other party.
- (2) For the purposes of paragraph 4 neither party to the marriage is to be taken to be a member of a couple.

#### **Meaning of “family”**

- 6.—(1) In this scheme “family” means—
- (a) a couple;
  - (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or
  - (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.
- (2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).
- (3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is—
- (a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, or has an award of universal credit;
  - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies;

#### **Circumstances in which a person is to be treated as responsible or not responsible for another.**

- 7.—(1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.
- (2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with—
- (a) the person who is receiving child benefit in respect of that child or young person, or
  - (b) if there is no such person—
    - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
    - (ii) in any other case the person who has the primary responsibility for him.
- (3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

#### **Households**

- 8.—(1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.
- (2) A child or young person is not to be treated as a member of the applicant’s household where he is—
- (a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or

section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained)”).

or in Scotland boarded out with the applicant or his partner under a relevant enactment; or

(b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or

(c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—

(a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or

(b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or

(c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

(4) The authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant’s household in any reduction week where—

(a) that child or young person lives with the applicant for part or all of that reduction week; and

(b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child’s or young person’s visits.

(5) In this paragraph “relevant enactment” means—

(a) the Army Act 1955;

(b) the Air Force Act 1955;

(c) the Naval Discipline Act 1957;

(d) the Matrimonial Proceedings (Children) Act 1958;

(e) the Social Work (Scotland) Act 1968;

(f) the Family Law Reform Act 1969;

(g) the Children and Young Persons Act 1969;

(h) the Matrimonial Causes Act 1973;

(i) the Children Act 1975;

(j) the Domestic Proceedings and Magistrates’ Courts Act 1978;

(k) the Adoption and Children (Scotland) Act 2007;

(l) the Family Law Act 1986;

(m) the Children Act 1989;

(n) the Children (Scotland) Act 1995; the Children’s Hearings (Scotland) Act 2011; and;

(na) the Children’s Hearings (Scotland) Act 2011; and

(o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

## **Non-dependants**

9.—(1) In this scheme, “non-dependant” means any person, except someone to whom subparagraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

(a) any member of the applicant’s family;

(b) if the applicant is polygamously married,

(i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—

(aa) party to such a marriage other than the applicant’s partner; and

(bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or

(ii) in any other case, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;

- (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);
- (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
- (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

- (3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—
- (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either—
    - (i) that person is a close relative of his or his partner; or
    - (ii) the tenancy or other agreement between them is other than on a commercial basis;
  - (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
  - (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

#### **Remunerative work**

- 10.—(1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- (2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—
- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
  - (b) in any other case, the period of 5 weeks immediately prior to the date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.
- (3) Where, for the purposes of sub-paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.
- (4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- (5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary, or other holiday.
- (6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week is to be treated as not being in remunerative work in that week.

- (7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave, shared parental leave”, parental bereavement leave or adoption leave, or is absent from work because he is ill.
- (8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—
- (a) a sports award has been made, or is to be made, to him; and
  - (b) no other payment is made or is expected to be made to him.

### **PART 3 Procedural matters**

#### **Procedure for reduction applications and appeals against reduction decisions.**

11. Schedule 1 contains provisions about the procedure—
- (a) by which a person may apply for a reduction under this scheme;
  - (b) by which a person may make an appeal against certain decisions of the authority;
  - (c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

### **PART 4 Classes of person entitled to a reduction under this scheme.**

- 12.—(1) The classes of person described in paragraphs 13 to 18 are entitled to a reduction under this scheme.
- (2) In those paragraphs, references to the applicant’s income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant’s estimated income or capital.

#### **Class A: pensioners whose income is no greater than the applicable amount.**

13. On any day class A consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
  - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;
  - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
  - (e) whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 24 and Schedule 2, and
  - (f) who has made an application for a reduction under this scheme.

#### **Class B: pensioners whose income is greater than the applicable amount.**

14. On any day class B consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
  - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;
  - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
  - (e) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 24 and Schedule 2;
  - (f) in respect of whom amount A exceeds amount B where—
    - (i) amount A is the maximum council tax reduction in respect of the day in the applicant’s case; and
    - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount, and
  - (g) who has made an application for a reduction under this scheme.

#### **Class C: alternative maximum council tax reduction - pensioners**

- 15.—(1) On any day class C consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
  - (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;

- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) who has made an application for a reduction under this scheme; and
- (f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.

(3) Sub-paragraph (1) applies to any other resident of the dwelling who—

- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
  - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
  - or
  - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- (d) is not a person who jointly with the applicant falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (f) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

**Class D: persons who are not pensioners whose income is less than the applicable amount.**

16. On any day class D consists of any person who is not a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than his applicable amount calculated in accordance with paragraph 25 and Schedule 3, and
- (f) who has made an application for a reduction under this scheme.

**Class E: persons who are not pensioners whose income is greater than the applicable amount.**

17. On any day class E consists of any person who is not a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 25 and Schedule 3;
- (f) in respect of whom amount A exceeds amount B where—
  - (i) amount A is the maximum council tax reduction in his case; and
  - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application for a reduction under this scheme.

**Class F: alternative maximum council tax reduction - persons who are not pensioners.**

18.—(1) On any day class F consists of any person who is not a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;

- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;
  - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
  - (e) who has made an application; and
  - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the person in question in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to any other resident of the dwelling who—
- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; and
  - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
  - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant for the reduction is a member of that couple or of that marriage and—
    - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
    - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
  - (d) is not a person who jointly with the applicant for reduction falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
  - (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

#### **Periods of absence from a dwelling - pensioners and persons who are not pensioners.**

- 19** –(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- (2) In sub-paragraph (1), a “period of temporary absence” means—
- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—
    - (i) the person resides in that accommodation;
    - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
    - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
  - (b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
    - (i) the person intends to return to the dwelling;
    - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
    - (iii) that period is unlikely to exceed 13 weeks;
  - (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
    - (i) the person intends to return to the dwelling;
    - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
    - (iii) the person is a person to whom sub-paragraph (3) applies; and
    - (iv) subject to sub-paragraph (2D), a period of absence within Great Britain is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and;
  - (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first

day of that absence from Great Britain where and for so long as— (i) the person intends to return to the dwelling; (ii) the part of the dwelling in which he usually resides is not let or sub-let; and (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks;

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
  - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
  - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
- then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

1. a person returns to Great Britain after a period of absence from Great Britain (period A);
  2. that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
  3. at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
- then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

1. a person is temporarily absent from Great Britain;
2. immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

1. the person's partner or a child or young person for whom the person or the person's partner is responsible;
2. the person's close relative;
3. the close relative of the person's partner; or
4. the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).”;

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
  - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
  - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;



- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom subparagraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

- (3A) This sub-paragraph applies to a person (“P”) who is—
- (a) detained in custody on remand pending trial;
  - (b) detained pending sentence upon conviction; or
  - (c) as a condition of bail required to reside—
    - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
    - (ii) in premises approved under section 13 of the Offender Management Act 2007(a), and who is not also detained in custody following sentence upon conviction.
- (3B) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a member of Her Majesty’s forces posted overseas, a mariner or a continental shelf worker;
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.
- (3D) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (3F) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of subparagraph (3);
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (4) This sub-paragraph applies to a person who is—
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995; and

(b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

- (5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
  - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
  - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

- (6) In this paragraph—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998(a);

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a medical practitioner;

member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(c)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;”;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

“residential accommodation” means accommodation which is provided in—

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department, or the Secretary of State.

#### Transitional provision

- 19A** (1) Subject to paragraph (2), the amendments made by regulation 2(3)(a), shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2017 until the day that person returns to Great Britain.

- (2) Paragraph (1) does not apply to a person who, on 1st April 2017, is temporarily absent from Great Britain and is—

- (a) a member of Her Majesty’s forces posted overseas;
- (b) absent in the capacity of a continental shelf worker; or
- (c) absent in the capacity of a mariner.

- (3) In this regulation—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

#### **PART 5 Classes of person excluded from this scheme.**

##### **Classes of person excluded from this scheme.**

20. The classes of person described in paragraphs 21 to 24 are not entitled to a reduction under this scheme.

##### **Class of person excluded from this scheme: persons treated as not being in Great Britain**

21.—(1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

(2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland.

(3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland unless the person has a right to reside in one of those places.

(4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—

(a) regulation 13 of the EEA Regulations;

(aa) regulation 14 of the EEA Regulations but only in a case where the right exists under that regulation where the person is -

(i) a jobseeker for the purpose of the definition of a ‘qualified person’ in regulation 6(1) of those regulations, or,

(ii) a family member (within the meaning of regulation 7 of those regulations) of such a jobseeker

(b) regulation 16 of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph 5 of that regulation.

(4A) For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

(a) (removed)

(b) Appendix EU to the immigration rules made under section 3(2) of that Act;

(c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or

(d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act;

“(4B) Paragraph (4A)(b) does not apply to a person who—

- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- (b) would have a right to reside under the EEA Regulations(6) if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b);

(5) A person falls within this sub-paragraph if the person is—

- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
  - (i) the Afghan Relocations and Assistance Policy; or
  - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
- (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
  - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
  - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
  - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-paragraph (a);
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion, or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4)

(6) A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty’s forces posted overseas.

(7) A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty’s forces and was,

immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

(8) In this paragraph—

“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020;

“EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;”;

“family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);”;

“relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.

#### **Class of person excluded from this scheme: persons subject to immigration control.**

22.—(1) Persons subject to immigration control are not entitled to a reduction under this scheme.

(2) “Person subject to immigration control” has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

(2A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11<sup>th</sup> December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18<sup>th</sup> October 1961) and who is lawfully present in the United Kingdom and is not a person subject to immigration control for the purpose of paragraph (1)dc

#### **Class of person excluded from this scheme: capital limit**

23.—(1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000.

(2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

#### **Class of person excluded from this scheme: students.**

24. The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).

### **PART 6 Applicable amounts**

#### **Applicable amounts: pensioners**

25.- (1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case—

(a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);

(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family

(c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);

(d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the

two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

- (1B) Sub-paragraph (1C) applies where—
- (a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and
  - (b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).
- (1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—
- (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;”
- (2) In Schedule 2—
- “additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;
- “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005

**Applicable amounts: persons who are not pensioners.**

- 26.—(1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case—
- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
  - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
  - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
  - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
  - (e) the amount of either the—
    - (i) work-related activity component; or
    - (ii) support component,
  - (f) which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components));
  - (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).
- (2) In Schedule 2—
- “additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;
- “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005
- (3) In Schedule 3—
- “additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;
- “converted employment and support allowance” means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

**Polygamous marriages: persons who are not pensioners.**

- 27.—(1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.
- (2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case—
- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;
  - (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
  - (c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
  - (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);
  - (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);
  - (f) the amount of either the—
    - a. (i) work-related activity component; or
    - b. (ii) support component,which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);
  - (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

**Applicable amount: persons who are not pensioners who have an award of universal credit.**

- 28.—(1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner—
- (a) who has, or
  - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).
- (2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—
- (a) one of them is a party to an earlier marriage that still subsists; and
  - (b) the other party to that earlier marriage is living in the same household.
- (3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.
- (4) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

**PART 7 Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction.**

**Maximum council tax reduction amount under this scheme: pensioners and persons who are not pensioners.**

- 29.—(1) Subject to sub-paragraphs (2) to (4), the maximum council tax reduction payable to a pensioner in respect of a day is 100 per cent of the amount A/B where—
- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and

(b) B is the number of days in that financial year less any deductions in respect of non-dependants which fall to be made under paragraph 29 (non-dependant deductions: pensioners and persons who are not pensioners).

- (2) In calculating a person's maximum council tax reduction under this scheme any support in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a support under this scheme), is to be taken into account.
- (3) Subject to sub-paragraph (5), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.
- (4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (4) does not apply in his case.
- (5) The reference in sub-paragraph (4) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 73(2) applies.
- (6) In this paragraph "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls.

#### **Non-dependent deductions: pensioners and persons who are not pensioners.**

- 30.—(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 29 (maximum council tax reduction) shall be;
- (a) in respect of a non-dependant aged 18 or over in remunerative work,  $£14.15 \times 1/7$ ;
  - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply,  $£4.60 \times 1/7$ .
- (2) In the case of a non-dependant aged 18 or over to whom paragraph 30.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—
    - (a) less than £236.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
    - (b) not less than £236.00, but less than £410.00, the deduction to be made under this section shall be  $£9.40 \times 1/7$
    - (c) not less than £410.00, but less than £511.00, the deduction to be made under this section shall be  $£11.80 \times 1/7$ .
  - (3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.
  - (4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
  - (5) Where in respect of a day—
    - (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
    - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
    - (c) the person to whom paragraph (a) refers is a non-dependent of two or more of the liable persons, the deduction in respect of that non-dependent must be apportioned equally between those liable persons.
  - (6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—



- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
  - (b) receiving in respect of himself—
    - (i) attendance allowance, or would be receiving that allowance but for—
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
      - (bb) an abatement as a result of hospitalisation; or
    - (ii) the care component of the disability living allowance, or would be receiving that component but for—
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
      - (bb) an abatement as a result of hospitalisation; or
    - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
    - (iv) an AFIP or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependent if—
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
  - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
  - (c) he is a full-time student within the meaning of Part 11 (students); or
  - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
    - (i) “patient” has the meaning given in paragraph 19(6), and
    - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
- (8) No deduction is to be made in respect of a non-dependent—
- (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance
  - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependent who is a student to whom paragraph 4 of that Schedule refers, or
  - (c) is entitled to an award of Universal Credit where the award is calculated on the basis that the person does not have any earned income.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependent’s weekly gross income—
- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
  - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006), the Windrush Compensation Scheme or the National Emergencies Trust which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
  - (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

**PART 8 Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction.**

**Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners.**

- 31.—(1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax reduction: pensioners) or 18 (alternative maximum council tax reduction: persons who are not pensioners) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax reduction).
- (2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.
- (3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

**PART 9 Amount of reduction under this scheme**  
**Amount of reduction under this scheme: Classes A to F**

- 32.—(1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.
- (2) Where the person is within class A or D, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.
- (3) Where the person is within class B or E, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f), as the case may be.
- (4) Where the person is within class C or F, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.
- (5) Sub-paragraph (6) applies where both—  
(a) sub-paragraph (2) or sub-paragraph (3), and  
(b) sub-paragraph (4),  
apply to a person.
- (6) Subject to the maximum reduction specified by paragraph 12 and 28, the amount of the reduction to which the person is entitled is whichever is the greater of—  
(a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and  
(b) the amount of the reduction given by sub-paragraph (4).

**PART 10 Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction.**

**CHAPTER 1 Income and capital: general**  
**Calculation of income and capital: applicant's family and polygamous marriages**

- 33.—(1) The income and capital of—  
(a) an applicant; and  
(b) any partner of that applicant,  
(c) is to be calculated in accordance with the provisions of this Part.

- (2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.
- (3) Except where paragraph 37 applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household—
  - (a) the applicant must be treated as possessing capital and income belonging to each such member; and
  - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

**Circumstances in which income and capital of non-dependent is to be treated as applicants.**

- 34.—(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependent and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependent has more income and capital than the applicant.
- (2) Except where—
  - (a) the applicant is a pensioner and is on a guarantee credit, or
  - (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,
 the authority must treat the applicant as possessing income and capital belonging to that non-dependent and, in such a case, any income and capital which the applicant does possess is to be disregarded.
- (3) Where an applicant is treated as possessing income and capital belonging to a non-dependent under sub-paragraph (2) the income and capital of that non-dependent must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the “applicant” is to be construed for the purposes of this Part as if it were a reference to that non-dependent.

**CHAPTER 2 Income and capital: pensioners in receipt of guarantee credit or savings credit**

**Applicant in receipt of guarantee credit: pensioners**

- 35. In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

**Calculation of applicant's income and capital in savings credit only cases: pensioners.**

- 36.—(1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.
- (2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—
  - (a) the amount of any savings credit payable;
  - (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
  - (c) the higher amount disregarded under this scheme in respect of—
    - (i) lone parent's earnings; or
    - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—
      - (aa) the applicant's former partner, or the applicant's partner's former partner; or
      - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
  - (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);

- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
  - (f) paragraph 34 (circumstances in which capital and income of a non-dependent is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
  - (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable);
  - (h) (h)any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).
- (3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1) but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).
- (4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).
- (5) This sub-paragraph applies if—
- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being £16,000 or less;
  - (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
  - (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

### **CHAPTER 3 Income and capital where there is an award of universal credit.**

#### **Calculation of income and capital: persons who are not pensioners who have an award of universal credit.**

- 37.—(1) In determining the income of an applicant—
- (a) who has, or
  - (b) who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit. For the avoidance of doubt the award of Universal Credit shall be determined **before** any deduction, sanction, advance etc.
- (2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.
- (3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account—
- (a) the amount of the award of universal credit **before** any deduction, sanction, advance etc;
  - (b) paragraph 34 (circumstances in which income and capital of non-dependent is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
  - (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).
- (4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.
- (5) Paragraph 34 (income and capital of non-dependent to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).
- (6) In determining the capital of an applicant—
- (a) who has, or
  - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

(7) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

#### **Tolerance of cases where Universal Credit is in payment.**

(8) Where the authority receives any notification from the Secretary of State for Work and Pensions that a person who is awarded Universal Credit has a change in that award of less than £5, no adjustment shall be made to the applicant’s Council Tax Reduction.

#### **CHAPTER 4 Income: other pensioners**

##### **Calculation of income and capital where state pension credit is not payable: pensioners.**

38. Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant’s case, his income and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

##### **Meaning of “income”: pensioners**

39.—(1) For the purposes of classes A to C in this scheme, “income” means income of any of the following descriptions—

- (a) earnings;
- (b) working tax credit;
- (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
- (d) income from annuity contracts (other than retirement pension income);
- (e) a war disablement pension or war widow’s or widower’s pension;
- (f) a foreign war disablement pension or war widow’s or widower’s pension;
- (g) a guaranteed income payment;
- (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
- (zi) Universal Credit;
- (i) income from capital other than capital disregarded under Part 1 of Schedule 9;
- (j) social security benefits, other than retirement pension income or any of the following benefits—
  - (i) disability living allowance;
  - (ii) personal independence payment;
  - (iii) an AFIP;
  - (iiia) the daily living component of adult disability payment;
  - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
  - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
  - (vi) child benefit;
  - (vii) any guardian’s allowance payable under section 77 of the SSCBA (guardian’s allowance);
  - (viii) any increase for a dependent, other than the applicant’s partner, payable in accordance with Part 4 of that Act (increases for dependants);
  - (ix) any—
    - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
    - (bb) occasional assistance;
  - (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
  - (xi) housing benefit;
  - (xii) council tax benefit;
  - (xiii) bereavement payment;
  - (xiv) statutory sick pay;
  - (xv) statutory maternity pay;
  - (xvi) ordinary statutory maternity pay payable under Part 12ZA of the SSCBA;
  - (xvia) statutory shared parental pay under Part 12ZC of that Act;
  - (xvib) statutory parental bereavement pay under Part 12ZD of the SSCBA;
  - (xvii) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
  - (xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);
  - (xix) Removed
  - (xx) carer’s allowance supplement payable under section 81 of the Social Security

- (Scotland) Act 2018;
- (xxi) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
- (xxii) funeral expense assistance given in accordance with section 34 of that Act;
- (xxiii) any Scottish child payment assistance given in accordance with section 79 of that Act;
- (xxiv) any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019(11);
- (xxv) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018(12);
- (xxvi) winter heating assistance given in accordance with regulations under section 30 of that Act;
- (xxvii) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;
- (l) a payment made—
  - (i) under article 30 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
  - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc. (Worker's Compensation) Act 1979;
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse, or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse, or former civil partner, including payments made—
  - (i) under a court order;
  - (ii) under an agreement for maintenance; or
  - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent, or trade mark;
- (r) any payment in respect of any—
  - (i) book registered under the Public Lending Right Scheme 1982; or
  - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under—
  - (i) the Civil List Act 1837,
  - (ii) the Civil List Act 1937,
  - (iii) the Civil List Act 1952,
  - (iv) the Civil List Act 1972, or
  - (v) the Civil List Act 1975;
- (u) any income in lieu of that specified in paragraphs (a) to (r);
- (v) any payment of rent made to an applicant who—
  - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
  - (ii) occupies part of the property; and
  - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
- (w) any payment made at regular intervals under an equity release scheme;
- (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

(2) Where the payment of any social security benefit referred to in sub-paragraph (1) or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount

to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.

- (3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this sub-paragraph are those made in accordance with—
- (a) the Social Security (Overlapping Benefits) Regulations 1979;
  - (b) the Social Security (Hospital In-Patients) Regulations 1975;
  - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
  - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it;
  - (e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharer's section 4 pension);
  - (f) section 45B or 55B of the Social Security Contributions and Benefits Act 1992 (reduction in additional pension in Category A retirement pension and shared additional pension: pension sharing).
- (5) In sub-paragraph (1)(w), "equity release scheme" means a loan—
- (a) made between a person ("the lender") and the applicant;
  - (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
  - (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home

#### Calculation of weekly income: pensioners

- 40.—(1) Except in a case within sub-paragraph (2), (3A), (4A) or (5), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made—
- (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
  - (b) exceeds a week, the amount to be included in the applicant's weekly income is to be determined—
    - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
    - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
    - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
    - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.
- (2) Sub-paragraph (3) applies where—
- (a) the applicant's regular pattern of work is such that he does not work the same hours every week; or
  - (b) the amount of the applicant's income fluctuates and has changed more than once.
- (3) The weekly amount of that applicant's income is to be determined—
- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
  - (b) in any other case, on the basis of—
    - (i) the last two payments if those payments are one month or more apart;
    - (ii) the last four payments if the last two payments are less than one month apart; or
    - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.

- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
  - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
  - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.
- (4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.
- (4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
  - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
  - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.
- (5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.
- (6) This sub-paragraph applies to—
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent, or trade mark;
  - (b) any payment in respect of any—
    - (i) book registered under the Public Lending Right Scheme 1982; or
    - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; and
  - (c) any payment which is made on an occasional basis.
- (7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.
- (9) The sums specified in Schedule 5 are to be disregarded in calculating—
- (a) the applicant's earnings; and
  - (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).
- (10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.
- (11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.
- (12) Schedule 9 (capital disregards: pensioners) has effect so that—
- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
  - (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 71 (calculation of tariff income from capital: pensioners).



(13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

#### **Earnings of employed earners: pensioners**

41.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner who is a pensioner, means any remuneration or profit derived from that employment and includes—

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice;
- (d) any holiday pay;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively, and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
  - (i) travelling expenses incurred by the applicant between his home and place of employment;
  - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001;
- (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
- (i) statutory paternity pay payable under Part 12ZA of that Act;
- (j) statutory adoption pay payable under Part 12ZB of that Act;
- (k) any sums payable under a contract of service—
  - (i) for incapacity for work due to sickness or injury; or
  - (ii) by reason of pregnancy or confinement.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
- (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;
- (f) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

#### **Calculation of net earnings of employed earners: pensioners**

42.—(1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
  - (i) income tax;
  - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory

maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

- (3) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.
- (4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—
  - (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
  - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less—
  - (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
  - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
  - (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme if the earnings so estimated were actual earnings.

#### **Calculation of earnings of self-employed earners: pensioners**

- 43.—(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment—
- (a) over a period of one year; or
  - (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.
- (2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.
- (3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph is to be his assessment period.

#### **Earnings of self-employed earners: pensioners**

- 44.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.
- (2) “Earnings” in the case of employment as a self-employed earner does not include—
- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
  - (b) any payment made by a local authority to an applicant—
    - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26(1) of the Children (Scotland) Act 1995; or

- (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;
- (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
- (d) any payment made to the applicant or his partner for a person (“the person concerned”) who is not normally a member of the applicant’s household but is temporarily in his care, by—
  - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
  - (ii) a voluntary organisation;
  - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
  - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006; or
  - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
  - (vi) the persons concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult);
- (da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the applicant where A—
  - (i) was formerly in the applicant’s care;
  - (ii) is aged 16 or over; and
  - (iii) continues to live with the applicant;
- (db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance: further provisions
- (e) any sports award.

#### **Notional income: pensioners**

- 45.—(1) An applicant who is a pensioner is to be treated as possessing—
- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
    - (i) for which no claim has been made; and
    - (ii) to which he might expect to be entitled if a claim for it were made;
  - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
  - (b) a shared additional pension payable under section 55A of the SSCBA;
  - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
  - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
  - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
  - (b) fails to purchase an annuity with the funds available in that scheme; and
  - (c) either—
    - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
    - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
    - (iii) income withdrawal is not available to him under that scheme.

- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.
- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from the fund and must be determined by the authority, taking account of information provided by the pension fund holder.
- (7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).
- (8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pension Schemes Act 1993.
- (9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.
- (10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.
- (11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.
- (12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant’s participation in a service user group.
- (13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.
- (14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must—
  - (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant’s income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
  - (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).
- (15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—
  - (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
  - (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.
- (16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

#### **Income paid to third parties: pensioners.**

- 46.—(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.
- (2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
  - (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.
- (3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant's participation in a service user group.

#### **CHAPTER 5 Income: persons who are not pensioners.**

##### **Average weekly earnings of employed earners: persons who are not pensioners.**

- 47.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—
- (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of—
    - (i) 5 weeks, if he is paid weekly; or
    - (ii) 2 months, if he is paid monthly; or
  - (b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.
- (2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)—
- (a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;
  - (b) in any other case, the authority must estimate the applicant's average weekly earnings.
- (3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.
- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
  - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of each reduction week following the date the applicant commences that employment and the first day of each reduction week thereafter; or
  - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require calculation under this paragraph, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week thereafter,

- (4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).
- (4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account---
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
  - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment and the first day of each reduction week thereafter; or
  - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.

**Average weekly earnings of self-employed earners: persons who are not pensioners.**

- 48.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.
- (2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

**Average weekly income other than earnings: persons who are not pensioners.**

- 49.—(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).
- (2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

**Calculation of weekly income of employed earners: persons who are not pensioners.**

- 50.—(1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made—
- (a) does not exceed a week, the weekly amount is to be the amount of that payment;
  - (b) exceeds a week, the weekly amount is to be determined—
    - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
    - (ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.
- (2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

**Earnings of employed earners: persons who are not pensioners.**

- 51.—(1) Subject to sub-paragraph (2), "earnings", in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;

- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively, and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
  - (i) travelling expenses incurred by the applicant between his home and place of employment;
  - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
- (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- (l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

**Calculation of net earnings of employed earners: persons who are not pensioners.**

52.—(1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
  - (i) income tax;
  - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay,

statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

- (4) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.
- (5) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—
  - (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
  - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to H), his net earnings is to be calculated by taking into account those earnings over the assessment period, less—
  - (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 35, 36 or 37 of the Income Tax Act 2007 as is personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are; (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
  - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
  - (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings

#### **Earnings of self-employed earners: persons who are not pensioners.**

- 53.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.
- (2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 8 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority, or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.
  - (3) This paragraph applies to—
    - (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent, or trade mark; or
    - (b) any payment in respect of any—
      - (i) book registered under the Public Lending Right Scheme 1982; or
      - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.
  - (4) Where the applicant’s earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by—
    - (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus



- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant's case.

**Calculation of income other than earnings: persons who are not pensioners.**

54.–(1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).

(2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 8.

(3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.

(4) Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) Sub-paragraphs (7) and (8) apply where—

(a) a relevant payment has been made to a person in an academic year; and

(b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

Where

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books, and equipment);

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

(8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 11 (students);

“assessment period” means—

- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
  - (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
  - (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

- 1st January and ending on 31st March;
- 1st April and ending on 30th June;
- 1st July and ending on 31st August; or
- 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)—

- (a) any payment to which paragraph 41(2) or 51(2) (payments not earnings) applies; or
- (b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

#### **Capital treated as income: persons who are not pensioners.**

55.—(1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £16,000, be treated as income.

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income is to be treated as income.

(4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.

(5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

#### **Notional income: persons who are not pensioners.**

56.—(1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.

(2) Except in the case of—

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;

- (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
  - (d) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
  - (e) any sum to which paragraph 51(a) of Schedule 10 refers;
  - (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
  - (g) child tax credit;
  - (h) working tax credit, or
  - (i) any sum to which sub-paragraph (11) applies,
  - (j) any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.
- (3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made—
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
  - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
  - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (4) Sub-paragraph (3) does not apply in respect of a payment of income made—
- (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006);
  - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
  - (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
    - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996(144);
    - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
    - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
    - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
    - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
  - (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
  - (e) in respect of a person's participation in the Mandatory Work Activity Scheme;
  - (f) in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme;
  - (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
    - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
    - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
    - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate

from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.

- (6) Subject to sub-paragraph (7), where—
- (a) an applicant performs a service for another person; and
  - (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,
- the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.
- (7) Sub-paragraph (6) does not apply—
- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
  - (b) in a case where the service is performed in connection with—
    - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or
    - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
  - (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.
- (8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.
- (9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.
- (10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less—
- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
  - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
  - (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.
- (11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

**CHAPTER 6 Income: further provisions applying to pensioners and persons who are not pensioners.**

**Calculation of income on a weekly basis**

- 57.—(1) Subject to paragraph 60 (disregard of changes in tax, etc.), the income of an applicant is to be calculated on a weekly basis—
- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
  - (b) by adding to that amount, the weekly income calculated—
  - (c) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);
    - a. (i) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners); and
  - (d) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.
- (2) The conditions of this paragraph are that—
- (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-paragraph (3) otherwise applies in his case; and
  - (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.
- (3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be—
- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
  - (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

**Treatment of child care charges**

- 58.—(1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and—
- (a) is a lone parent and is engaged in remunerative work;
  - (b) is a member of a couple both of whom are engaged in remunerative work; or
  - (c) is a member of a couple where one member is engaged in remunerative work and the other—
    - (i) is incapacitated;
    - (ii) is an in-patient in hospital; or
    - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- (2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph
- (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- (a) is paid statutory sick pay;
  - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
  - (c) is paid an employment and support allowance;
  - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
  - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
  - (b) the first day of the period in respect of which earnings are credited, as the case may be.
- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply and are to be calculated on a weekly basis in accordance with sub-paragraph (10).
- (6) The charges are paid by the applicant for care which is provided—
- (a) in the case of any child of the applicant’s family who is not disabled, in respect of the period beginning on that child’s date of birth and ending on the day preceding the first Monday in September following that child’s fifteenth birthday; or
  - (b) in the case of any child of the applicant’s family who is disabled, in respect of the period beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday.
- (7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—
- (a) in respect of the child’s compulsory education;
  - (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
  - (c) in respect of care provided by a relative of the child wholly or mainly in the child’s home.
- (8) The care to which sub-paragraph (7) refers may be provided—
- (a) (out of school hours, by a school on school premises or by a local authority—
    - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
    - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
  - (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
  - (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
  - (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or
  - (e) by—
    - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
    - (ii) local authorities registered under section 83(1) of that Act, where the care provided is child minding or day care of children within the meaning of that Act; or
  - (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
  - (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
  - (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
  - (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
  - (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
  - (k) by a foster parent or kinship carer under the Fostering Services Regulations 2011, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland)

Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or

- (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations or by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or
  - (m) by a person who is not a relative of the child wholly or mainly in the child's home.
- (9) In sub-paragraphs (6) and (8)(a), "the first Monday in September" means the Monday which first occurs in the month of September in any year.
- (10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
  - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—
    - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
    - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;
  - (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (e) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
  - (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose, any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
  - (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
  - (h) there is payable in respect of him one or more of the following pensions or allowances—
    - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
    - (ii) attendance allowance under section 64 of the SSCBA;
    - (iii) severe disablement allowance under section 68 of the SSCBA;
    - (iv) disability living allowance under section 71 of the SSCBA;
    - (v) personal independence payment;
    - (vi) an AFIP;
    - (vii) increase of disablement pension under section 104 of the SSCBA;
    - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
    - (ix) main phase employment and support allowance;
    - (x) adult disability payment
  - (i) a pension or allowance to which sub-paragraph (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his

becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;

- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
    - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (ii) an abatement as a consequence of hospitalisation;
  - (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
  - (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
  - (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.
- (14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—
- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for—
    - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (ii) an abatement as a consequence of hospitalisation;
  - (b) to whom the daily living component of personal independence payment is payable or would be payable but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (ba) in respect of whom adult disability payment is payable or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations
  - (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
  - (d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.
- (15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that—
- (a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;
  - (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and



(c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on—

- (a) the date that leave ends;
- (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends, whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

- (a) “qualifying support” means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and
- (b) “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph “applicant” does not include an applicant—

- (a) who has, or
- (b) who (jointly with his partner) has,
- (c) an award of universal credit.

#### **Calculation of average weekly income from tax credits**

59.—(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).

(3) Where the instalment in respect of which payment of a tax credit is made is—

- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

(4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

#### **Disregard of changes in tax, contributions etc.**

60. In calculating the applicant's income the authority may disregard any legislative change—

- (a) in the basic or other rates of income tax;
- (b) in the amount of any personal tax relief;
- (c) in the rates of social security contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small profits threshold in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
- (e) in the maximum rate of child tax credit or working tax credit, for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

## Calculation of net profit of self-employed earners

- 61.—(1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be—
- (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
  - (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—
    - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
    - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
  - (c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
    - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
    - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—
- (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
  - (b) an amount in respect of—
    - (i) income tax; and
    - (ii) social security contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
  - (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- (5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of—
- (a) any capital expenditure;
  - (b) the depreciation of any capital asset;
  - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
  - (d) any loss incurred before the beginning of the assessment period;
  - (e) the repayment of capital on any loan taken out for the purposes of the employment;
  - (f) any expenses incurred in providing business entertainment; and
  - (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.
- (6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for—
- (a) the replacement in the course of business of equipment or machinery; or

- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- (7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (8) For the avoidance of doubt—
- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
  - (b) a deduction must be made thereunder in respect of—
    - (i) the excess of any value added tax paid over value added tax received in the assessment period;
    - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
    - (iii) any payment of interest on a loan taken out for the purposes of the employment.
- (9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—
- (a) an amount in respect of—
    - (i) income tax; and
    - (ii) social security contributions payable under the SSCBA,
    - (iii) calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
  - (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.
- (11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined—
- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
  - (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- (12) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

#### **Calculation of deduction of tax and contributions of self-employed earners**

- 62.—(1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated—
- (a) on the basis of the amount of chargeable income, and
  - (b) as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances.
- (2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.
- (3) The amount to be deducted in respect of social security contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of—
- (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA at the rate applicable to the assessment period except where the applicant’s chargeable income is less than the amount specified in section 11(4) of that

Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and

- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.

(4) In this paragraph “chargeable income” means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

## **CHAPTER 7 Capital Calculation of capital**

63.—(1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).

(2) There must be disregarded from the calculation of an applicant’s capital under sub-paragraph (1), any capital, where applicable, specified in—  
(a) Schedule 9, in relation to pensioners;  
(b) Schedule 10, in relation to persons who are not pensioners.

(3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of—  
(i) child tax credit;  
(ii) working tax credit;  
(iii) state pension credit,  
if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.

(4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

### **Income treated as capital: persons who are not pensioners.**

64.—(1) This paragraph applies in relation to persons who are not pensioners.

(2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.

(3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.

(4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.

(5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant’s account.

(6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant’s employer is to be treated as capital.

(7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET

Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.

- (8) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- (9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (10) Any arrears of working tax credit or child tax credit must be treated as capital.

#### **Calculation of capital in the United Kingdom**

65. Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—
- (a) where there would be expenses attributable to the sale, 10 per cent; and
  - (b) the amount of any encumbrance secured on it.

#### **Calculation of capital outside the United Kingdom**

66. Capital which an applicant possesses in a country outside the United Kingdom must be calculated—
- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
  - (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer, less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

#### **Notional capital**

- 67.—(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).
- (2) A person who is a pensioner who disposes of capital for the purpose of—
- (a) reducing or paying a debt owed by the applicant; or
  - (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,
- is to be regarded as not depriving himself of it.
- (3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.
- (4) Except in the case of—
- (a) a discretionary trust; or
  - (b) a trust derived from a payment made in consequence of a personal injury; or
  - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 9; or
  - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
  - (e) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or
  - (f) any sum to which paragraph 51(a) of Schedule 10 refers; or
  - (g) child tax credit; or
  - (h) working tax credit,
- any capital which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

- (5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), made—
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
  - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
  - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made—
- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
  - (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
    - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
    - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
    - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
    - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
    - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
  - (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
  - (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
  - (e) in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme;
  - (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
    - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
    - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
    - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (7) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case—
- (a) the value of his holding in that company must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and
  - (b) he must, subject to sub-paragraph (8), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- (8) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (7) is to be disregarded.
- (9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

#### Diminishing notional capital rule: pensioners

- 68.—(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—
- (a) in the case of a week that is subsequent to—
    - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
    - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
  - (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
    - (i) that week is a week subsequent to the relevant week; and
    - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).
- (2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—
- (a) he is in receipt of a reduction under this scheme; and
  - (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of—
- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
  - (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
  - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
  - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
  - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—
- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
  - (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
  - (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
    - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
    - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
  - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week,

- within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) (“the relevant amount”) is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
  - (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
  - (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further application is made 26 or more weeks after—
    - (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
    - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), the date on which he last made an application which resulted in the weekly amount being re-determined, or
    - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
  - (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).
- (9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—
- “part-week”—
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
  - (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
  - (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
    - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
    - (ii) any other period of less than a week for which it is payable;
- “relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—
- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
  - (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction;
- and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;
- “relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.



**Diminishing notional capital rule: persons who are not pensioners.**

- 69.—(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—
- (a) in the case of a week that is subsequent to—
    - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
    - (ii) a week which follows that relevant week and which satisfies those conditions,is to be reduced by an amount determined under sub-paragraph (3);
  - (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
    - (i) that week is a week subsequent to the relevant week; and
    - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,is to be reduced by the amount determined under sub-paragraph (5).
- (2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—
- (a) he is in receipt of a reduction in council tax under this scheme; and
  - (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—
- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
  - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
  - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
  - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
  - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—
- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
  - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
    - a. (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
    - b. (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
  - (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the

- meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further application is made 26 or more weeks after—
- (i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
- (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or
- (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
- (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).
- (9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—
- "part-week"—
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
- (a) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- (b) any other period of less than a week for which it is payable;
- "relevant week" means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—
- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

#### **Capital jointly held.**

70. Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

#### **Calculation of tariff income from capital: pensioners**

71. The capital of an applicant who is a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of—

- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
- (b) £1 for any excess which is not a complete £500.

#### **Calculation of tariff income from capital: persons who are not pensioners.**

72. The capital of an applicant who is not a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income(169) of—

- (a) £1 for each £250 in excess of £6,000 but not exceeding £16,000;
- (b) £1 for any excess which is not a complete £250.

### **PART 11 Students**

#### **CHAPTER 1 General Interpretation**

73.—(1) In this Part—

“academic year” means the period of twelve months beginning on 1st January 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer, or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course is to be considered to begin in the autumn rather than the summer;

“access funds” means—

- (a) grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

“college of further education” means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

“contribution” means—

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or

- (b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder's expenses—
- (i) the holder of the allowance or bursary;
  - (ii) the holder's parents;
  - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
  - (iv) the holder's spouse or civil partner;

“course of study” means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

“covenant income” means the gross income payable to a full-time student under a Deed of Covenant by his parent;

“education authority” means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

“full-time course of study” means a full-time course of study which—

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
  - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
  - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
  - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

“full-time student” means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance, or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) applies;

“grant income” means—

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

“higher education” means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

“last day of the course” means—

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either—
  - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
  - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;

“periods of experience” means periods of work experience which form part of a sandwich course;

“qualifying course” means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker’s Allowance Regulations 1996;

“sandwich course” has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

“standard maintenance grant” means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (“the 2003 Regulations”) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as “standard maintenance allowance” for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

“student” means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

“student loan” means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007.

- (2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—
- (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
    - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
    - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
  - (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.
- (3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—
- (a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
  - (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.
- (4) In sub-paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

#### **Treatment of students**

74. This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

#### **Students who are excluded from entitlement to a reduction under this scheme.**

- 75.—(1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)—
- (a) full-time students, and
  - (b) students who are persons treated as not being in Great Britain.
- (2) Sub-paragraph (1)(b) does not apply to a student—
- (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
  - (b) who is a lone parent;
  - (c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;
  - (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose, any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
  - (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
  - (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
  - (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;

- (i) who is—
    - a. (i)aged under 21 and whose course of study is not a course of higher education,
    - b. (ii)aged 21 and attained that age during a course of study which is not a course of higher education, or
    - c. (iii)a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
  - (j) in respect of whom—
    - (i)a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
    - (ii)an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
    - (iii)a payment has been made under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
    - (iv)a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
    - (v)a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986, on account of his disability by reason of deafness.
- (3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.
- (4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- (5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (6) A full-time student to whom sub-paragraph (2)(i) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary, or payment as the case may be.
- (7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if—
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
    - (i)engaged in caring for another person; or
    - (ii)ill;
  - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
  - (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).
- (8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—
- (a) the day on which he resumes attending or undertaking the course; or
  - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- whichever first occurs.

## CHAPTER 2

### Income

#### Calculation of grant income

- 76.—(1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.
- (2) There must be excluded from a student's grant income any payment—
- (a) intended to meet tuition fees or examination fees;
  - (b) in respect of the student's disability;
  - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
  - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
  - (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
  - (f) intended to meet the cost of books and equipment;
  - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
  - (h) intended for the child care costs of a child dependent;
  - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
- (3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—
- (a) the sum of £303 per academic year in respect of travel costs; and
  - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- (4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- (5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—
- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
  - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- (6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- (7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- (8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.



#### **Calculation of covenant income where a contribution is assessed.**

- 77.—(1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.
- (2) The weekly amount of the student's covenant must be determined—
- (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
  - (b) by disregarding £5 from the resulting amount.
- (3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

#### **Covenant income where no grant income or no contribution is assessed.**

- 78.—(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—
- (a) any sums intended for any expenditure specified in paragraph 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;
  - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
  - (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and
  - (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.
- (2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that—
- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and
  - (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

#### **Relationship with amounts to be disregarded under Schedule 8**

79. No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc., payments).

#### **Other amounts to be disregarded.**

- 80.—(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.
- (2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

#### **Treatment of student loans**

- 81.—(1) A student loan is to be treated as income.
- (2) In calculating the weekly amount of the loan to be taken into account as income—

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
    - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
    - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
  - (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period—
    - (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and
    - (ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year, but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
  - (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with—
    - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
    - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
  - (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—
    - (i) the first day of the first reduction week in September; or
    - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned £10 is to be disregarded.
- (3) A student is to be treated as possessing a student loan in respect of an academic year where—
- (a) a student loan has been made to him in respect of that year; or
  - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- (4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
    - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
    - (ii) any contribution whether or not it has been paid to him;
  - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
    - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
    - (ii) no deduction in that loan was made by virtue of the application of a means test.
- (5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—
- (a) the sum of £303 per academic year in respect of travel costs; and
  - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- (6) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section

22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

#### **Treatment of payments from access funds**

- 82.—(1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.
- (2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.
- (3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)—
- (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and
  - (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable,
- must be disregarded as income to the extent of £20 per week.
- (4) Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
  - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment must be disregarded as income.

#### **Disregard of contribution**

83. Where the applicant or his partner is a student and, for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution must be disregarded for the purposes of assessing that other partner's income.

#### **Further disregard of student's income**

84. Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant or student loan, the amount taken into account must be disregarded in assessing that student's income.

#### **Income treated as capital.**

- 85.—(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.
- (2) An amount paid from access funds as a single lump sum must be treated as capital.
- (3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

#### **Disregard of changes occurring during summer vacation**

86. In calculating a student's income the authority must disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

**PART 12 Extended reductions**  
**CHAPTER 1 Extended reductions: pensioners**

**Extended reductions: pensioners**

87. Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

**Extended reductions (qualifying contributory benefits): pensioners**

88.—(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

**Duration of extended reduction period (qualifying contributory benefits): pensioners**

89.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax if that occurs first.

**Amount of extended reduction (qualifying contributory benefits): pensioners**

90.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

- (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended

- reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C if paragraph 88 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

#### **Extended reductions (qualifying contributory benefits)—movers: pensioners**

91.—(1) This paragraph applies—

- (a) to a mover; and  
(b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or  
(b) the mover directly.

#### **Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C**

92.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 88(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended reduction – movers: pensioners).

#### **Continuing reductions where state pension credit claimed: pensioners.**

93.—(1) This paragraph applies where—

- (a) the applicant is entitled to a reduction under this scheme;  
(b) sub-paragraph (2) is satisfied; and  
(c) either—  
(i) the applicant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or  
(ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—  
(i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or  
(ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and

- (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.
- (3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.
- (4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.
- (5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—
  - (a) the whole of the income and capital of the applicant is to be disregarded;
  - (b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.
- (6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated—
  - (a) the applicant's council tax liability has increased; or
  - (b) a change in the deduction under paragraph 30 falls to be made.

## **CHAPTER 2 Extended reductions: persons who are not pensioners.**

### **Extended reductions: persons who are not pensioners.**

94. Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

### **Extended reductions: persons who are not pensioners.**

- 95.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction where—
- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
  - (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
    - (i) commenced employment as an employed or self-employed earner;
    - (ii) increased their earnings from such employment; or
    - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and
  - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance, or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.
- (2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- (3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.
- (4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

**Duration of extended reduction period: persons who are not pensioners.**

96.—(1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of eight weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax if that occurs first.

**Amount of extended reduction: persons who are not pensioners.**

97.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—

- (a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F if paragraph 95 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

**Extended reductions—movers: persons who are not pensioners.**

98.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

**Relationship between extended reduction and entitlement to a reduction by virtue of classes D to F**

- 99.—(1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.
- (2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction—movers: persons who are not pensioners).

**Extended reductions (qualifying contributory benefits): persons who are not pensioners.**

- 100.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction (qualifying contributory benefits) where—
- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
  - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
    - (i) commenced employment as an employed or self-employed earner;
    - (ii) increased their earnings from such employment; or
    - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
  - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
  - (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.
- (2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where—
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
  - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
  - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

**Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners.**

- 101.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
- (a) at the end of a period of four weeks; or
  - (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax if that occurs first.

**Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners.**

- 102.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—



- (a) the amount of reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 100 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F if paragraph 100 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

**Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners.**

103.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

**Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to F**

104.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction—movers: persons who are not pensioners).

**CHAPTER 3 Extended reductions: movers in the authority's area**

**Extended reductions: applicant moving into the authority's area.**

105. Where—

- (a) an application is made to the authority ("the current authority") for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
  - (i) another billing authority in England; or
  - (ii) a billing authority in Wales,
 the current authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

## **PART 13 When entitlement begins and change of circumstances.**

### **Date on which entitlement begins.**

- 106.-(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.
- (2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

### **Date on which change of circumstances is to take effect.**

- 107.-(1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.
- (2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.
- (3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- (4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under section 11 or 11A of that Act (discounts), it takes effect from the day on which the change in amount has effect.
- (5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- (6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- (7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or where more than one day is concerned, from the earlier day.
- (8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- (9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- (10) Sub-paragraph (11) applies if—
- (a) the applicant or his partner has attained the age of 65; and
  - (b) either—
    - (i) a non-dependent took up residence in the applicant's dwelling; or

(ii) there has been a change of circumstances in respect of a non-dependent so that the amount of the deduction which falls to be made under paragraph 30 increased.

- (11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.
- (12) In sub-paragraph (11), but subject to sub-paragraph (13), “the effective date” means—
- (a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependent has occurred since—
    - (i) the date on which the applicant’s entitlement to a reduction under this scheme first began; or
    - (ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;
  - (b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.
- (13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

#### **Change of circumstances where state pension credit in payment**

- 108.—(1) Sub-paragraphs (2) and (3) apply where—
- (a) the applicant is in receipt of state pension credit;
  - (b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant’s circumstances or the correction of an official error; and
  - (c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.
- (2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—
- (a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or
  - (b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—
    - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
    - (ii) state pension credit is increased, whichever is the later.
- (3) Where the change of circumstance (“the relevant change”) is that the applicant’s state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces—
- (a) in a case where the applicant’s state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or
  - (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—
    - (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
    - (ii) state pension credit is reduced, whichever is the later.
- (4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.
- (5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he

receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
  - (b) entitlement to state pension credit begins, whichever is the later.
- (6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—
- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
  - (b) a change of circumstances which is a relevant determination, each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).
- (7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.
- (8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.
- (9) In this paragraph—
- “official error” means an error made by—
- (a) the authority or a person—
    - (i) authorised to carry out any function of the authority relating to this scheme; or
    - (ii) providing services relating to this scheme directly or indirectly to the authority; or
  - (b) an officer of—
    - (i) the Department for Work and Pensions; or
    - (ii) the Commissioners of Inland Revenue, acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant’s or, as the case may be, the applicant’s partner’s income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the authority of the applicant’s income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).

## **PART 14 Applications (including duties to notify authority of change of circumstances)**

### **Making an application**

109.—(1) In the case of—

- (a) a couple or (subject to paragraph (b)) members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or
  - (b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- (2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
  - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
  - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise, that deputy, judicial factor, guardian, or attorney, as the case may be, may make an application on behalf of that person.
- (3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under this scheme and to receive and deal on his behalf with any sums payable to him.
- (4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- (5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)—
- (a) it may at any time revoke the appointment;
  - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
  - (c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- (6) Anything required by this scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- (7) The authority must—
- (a) inform any person making an application of the duty imposed by paragraph 115(1)(a);
  - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

#### **Date on which an application is made.**

- 110.—(1) Subject to sub-paragraph (7), the date on which an application is made is—
- (a) in a case where—
    - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
    - (ii) the application is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,
 the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;
  - (b) in a case where—
    - (i) an applicant or his partner is a person in receipt of a guarantee credit,
    - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
    - (iii) the application to the authority is received at the designated office within one month of the date of the change,
 the date on which the change takes place;
  - (c) in a case where—

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
  - (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,  
the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
  - (d) in a case where—
    - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
    - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
    - (iii) the application to the authority is received at the designated office within one month of the date of the change,  
the date on which the change takes place;
  - (e) in a case where—
    - (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
    - (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,  
the date of the death or separation;
  - (f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
  - (g) In any other case, the date on which the application is received at the designated office.
- (2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—
- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
  - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),  
have been entitled to that allowance.
- (3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)—
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
  - (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.
- (4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- (5) The conditions are that—
- (a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
  - (b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies—
    - (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

- (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request, or, in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

- (6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.
- (7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances, he will be entitled to a reduction under this scheme for a period beginning not later than—
  - (a) in the case of an application made by—
    - (i) a pensioner, or
    - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or
  - (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.
- (8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance.

#### **Applications where an applicant’s Universal Credit ceases an award of Council Tax Reduction**

- (9) Where a council tax reduction claim has stopped due to the level of the applicant’s Universal Credit and associated income, that claim will remain valid from the date that Council Tax Reduction has stopped for a period of six calendar months.

#### **Joint claims for Housing Benefit and Council Tax Reduction.**

- (10) Where an applicant is entitled to Housing Benefit and notifies the authority of a wish to claim Council Tax Reduction, the authority will assess Council Tax Reduction without the need for a separate claim form
- (11) The effective date of the applicant shall be the date the request is made to the authority (in any format).

#### **Backdating of applications: pensioners**

- 111.—(1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.
- (2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

### Backdating of applications: persons who are not pensioners.

- 112.—(1) Where an applicant who is a person who is not a pensioner—
- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
  - (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period), the application is to be treated as made on the date determined in accordance with sub-paragraph (2).
- (2) That date is the latest of—
- (a) the first day from which the applicant had continuous good cause;
  - (b) the day 1 month before the date the application was made;
  - (c) the day 1 month before the date when the applicant requested that the application should include a past period.

### Information and evidence

- 113.—(1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.
- (2) This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by—
    - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
    - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
  - (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by—
    - (i) evidence of the application for a national insurance number to be so allocated; and
    - (ii) the information or evidence enabling it to be so allocated.
- (3) Sub-paragraph (2) does not apply—
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
  - (b) to a person who—
    - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
    - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
    - (iii) has not previously been allocated a national insurance number.
- (4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- (5) Nothing in this paragraph requires a person to furnish any certificates, documents, information, or evidence relating to a payment to which sub-paragraph (7) applies.
- (6) Where a request is made under sub-paragraph (4), the authority must—
- (i) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
  - (ii) without prejudice to the extent of the duty owed under paragraph 115, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.
- (7) This sub-paragraph applies to any of the following payments—
- (a) a payment which is—



- (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
  - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Caxton Foundation” insert “, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund;
  - (aa) a Grenfell Tower support payment
  - (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
  - (c) a payment which is disregarded under paragraph 30(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).
- (8) Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information—
- (a) the name and address of the pension fund holder;
  - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

#### **Amendment and withdrawal of application**

- 114.—(1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- (2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.
  - (3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.
  - (4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
  - (5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.
  - (6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
  - (7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

#### **Duty to notify changes of circumstances.**

- 115.—(1) Subject to sub-paragraphs (3), (6) and (7), the applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time—
- (a) between the making of an application and a decision being made on it, or
  - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.
- (2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under this scheme (a “relevant change of circumstances”) by giving notice to the authority—
- (a) in writing; or
  - (b) by telephone—

- (i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
  - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
  - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- (3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—
- (a) changes in the amount of council tax payable to the authority;
  - (b) changes in the age of the applicant or that of any member of his family;
  - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- (4) For the purposes of sub-paragraph (3)(c) “relevant benefit” means income support, an income-based jobseeker’s allowance or an income-related employment and support allowance or universal credit.
- (5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- (6) The duty imposed on a person by sub-paragraph (1) includes—
- (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
  - (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, the date when this occurs.
- (7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report—
- (a) changes affecting the residence or income of any non-dependent normally residing with the applicant or with whom the applicant normally resides;
  - (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks or where the absence is from Great Britain, which exceeds or is likely to exceed 4 weeks.
- (8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report—
- (a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his case, but not changes in the age of the child;
  - (b) any change in the amount of the applicant’s capital to be taken into account which does or may take the amount of his capital to more than £16,000;
  - (c) any change in the income or capital of—
    - (i) a non-dependent whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependent is to be treated as applicant’s); or
    - (ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers, and whether such a person or, as the case may be, non-dependent stops living or begins or resumes living with the applicant.
- (9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

## **PART 15 Decisions by authority**

### **Decision by authority**

116. The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

### **Notification of decision**

117. –(1) The authority must notify in writing any person affected by a decision made by it under this scheme—

- in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

(2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- informing the person affected of the duty imposed by paragraph 115(1)(b);
- explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

(3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

(4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in this scheme relating to the procedure for making an appeal.

(5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

(6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

(7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

(8) This sub-paragraph applies to—

- the applicant;
- in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
  - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
  - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
  - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,
- a person appointed by the authority under paragraph 109(3).

## **PART 16 Circumstances in which a payment may be made.**

### **Payment where there is joint and several liability.**

118. –(1) Where—

- (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and

(c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate, it may make a payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(2) Subject to sub-paragraph (3), any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

(3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

## **PART 17**

### **Award or payment of reduction**

#### **Time and manner of granting reduction under this scheme.**

**119.**—(1) Subject to paragraph 122 (payments on death), where a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of the financial year, the authority must discharge his entitlement—

(a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or

(b) where—

(i) such a reduction is not possible; or

(ii) such a reduction would be insufficient to discharge the entitlement to a reduction under this scheme; or

(iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(2) The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of sub-paragraph (1).

(3) In a case to which sub-paragraph (1)(b) refers—

(a) if the amount of the council tax for which he remains liable in respect of the financial year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under this scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction—

(i) must be paid to that person if he so requires; or

(ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;

(b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under this scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter

(c) in any other case, the reduction under this scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

(4) For the purposes of this paragraph “instalment” means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

#### **Person to whom reduction is to be paid.**

**120.**—(1) Subject to paragraph 122 (payment on death) and sub-paragraph (2), any payment of the amount of a reduction under paragraph 116(1)(b) must be made to the person who is entitled to the reduction.

- (2) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 107(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 107(5), the amount of the reduction may be paid to that person.

#### **Shortfall in reduction**

121. Where, on the revision of a decision allowing a reduction under this scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either—
- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the financial year until that shortfall is made good; or
  - (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonably practicable, as soon as possible afterwards.

#### **Payment on the death of the person entitled.**

122. Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.
- (2) Where an Act of Parliament or subordinate legislation repeals and re-enacts, with or without modification, a previous enactment (including a previous regulation) then, unless the contrary intention appears.

#### **Transitional provisions for restrictions on amounts for children and young persons (pensioners)**

- 123 (1) This regulation applies where—
- (a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Local Government Finance Act 1992 ("a section 13A(2) scheme"); and
  - (b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a protected individual").
- (2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—
- (a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or
  - (b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.
- (3) Paragraphs (4) to (8) apply where—
- (a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);
  - (b) the child tax credit provisions do not apply; and
  - (c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.
- (4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.
- (5) Paragraph (6) applies where—
- (a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and
  - (b) either of them is responsible for one or more new individuals who are members of the same household.

- (6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).
- (7) Paragraph (8) applies where—
- (a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;
  - (b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and
  - (c) a different child amount would apply to different individuals.
- (8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—
- (a) the child amount in relation to the protected individual; and
  - (b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.
- (9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).
- (10) For the purposes of this regulation—
- (a) "the 2012 Regulations" means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
  - (b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;
  - (c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
  - (d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
  - (e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
  - (f) "new individual" means a child or young person who is not a protected individual;
  - (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);
  - (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations

## **SCHEDULE 1 Procedural matters**

### **Paragraph 11**

#### **PART 1 Procedure for an application for a reduction under this scheme**

Procedure by which a person may apply for a reduction under this scheme;

1. Paragraphs 2 to 7 apply to an application for a reduction under this scheme.
2. An application may be made—
  - (a) in writing,
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
  - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 3.—(1) An application which is made in writing must be made to the designated office on a properly completed form.  
  
(2) The form must be provided free of charge by the authority for the purpose.
4. - (1)Where an application made in writing is defective because—
  - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
  - (b) it was made in writing but not on the form supplied for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.  
(2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 5.—(1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.  
  
(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
- 7.—(1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.  
  
(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

#### **PART 2 Procedure for making an appeal.**

##### **Procedure by which a person may make an appeal against certain decisions of the authority.**

8. A person who is aggrieved by a decision of the authority which affects—
  - (a) the person's entitlement to a reduction under this scheme, or
  - (b) the amount of any reduction under this scheme,may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
9. The authority must—
  - (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing—
    - (i) that the ground is not well founded, giving reasons for that belief; or

(ii) that steps have been taken to deal with the grievance, stating the steps taken.

10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

### **PART 3 Procedure for applying for a discretionary reduction.**

#### **Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act**

- 11.—(1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
- (a) in writing;
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
  - (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.
- (2) Where—
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
  - (b) a person in that class would otherwise be entitled to a reduction under this scheme,
- that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

### **PART 4 Electronic communication**

#### **Interpretation**

12. In this Part—  
“information” includes an application, certificate, notice or other evidence;  
“official computer system” means a computer system maintained by or on behalf of the authority for the sending, receiving, processing, or storing of any information.  
Conditions for the use of electronic communication
- 13.—(1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.
- (2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- (4) The second condition is that the person uses an approved method of—
- (a) authenticating the identity of the sender of the communication;
  - (b) electronic communication;
  - (c) authenticating any application or notice delivered by means of an electronic communication; and
  - (d) subject to sub-paragraph (7), submitting to the authority any information.
- (5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.
- (6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- (7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.



(8) In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

#### **Use of intermediaries**

14. The authority may use intermediaries in connection with—
- (a) the delivery of any information by means of an electronic communication; and
  - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

#### **Effect of delivering information by means of electronic communication.**

- 15.—(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed—
- (a) by this Part; and
  - (b) by or under an enactment,
- are satisfied.
- (2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- (3) Information must not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

#### **Proof of identity of sender or recipient of information**

16. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
  - (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
- the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

#### **Proof of delivery of information**

- 17.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this must be presumed to have been the case where—
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
  - (b) any such information has been delivered by the relevant authority if the delivery of that information has been recorded on an official computer system.
- (2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this must be presumed not to be the case if that information delivered to the relevant authority has not been recorded on an official computer system.
- (3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt must be presumed to be that recorded on an official computer system.

#### **Proof of content of information**

18. If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content must be presumed to be that recorded on an official computer system.

## **SCHEDULE 2 Applicable amounts:**

### **PART 1 Persons who are pensioners Paragraph 25**

The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 25(1)(a) is;

(a) on or after 1<sup>st</sup> April 2021, the amount specified in column (2) of Table 1 below in respect of each person or couple referred to in column (1) of that Table.

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

(a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and  
(b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—

(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

### **Transitional provisions for restrictions on amounts for children and young persons**

(1) This regulation applies where—

(a) on 31<sup>st</sup> March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Local Government Finance Act 1992 ("a section 13A(2) scheme"); and

(b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a "protected individual").

(2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

(a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or

(b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

(a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);

(b) the child tax credit provisions do not apply; and

(c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

(a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and

(b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

- (a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;
- (b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and
- (c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

- (a) the child amount in relation to the protected individual; and
- (b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

- (a) "the 2012 Regulations" means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- (b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;
- (c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
- (d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (f) "new individual" means a child or young person who is not a protected individual;
- (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);
- (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

**Table 1**

<i>Column (1) Person, couple, or polygamous marriage</i>	<i>Column (2) Amount</i>
(1) Single applicant or lone parent who has attained pensionable age before 1 <sup>st</sup> April 2021	£217.00
(2) Couple one or both members before 1 <sup>st</sup> April 2021	£324.70
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age before 1 <sup>st</sup> April 2021	
(a) for the applicant and the other party to the marriage;	(a) 324.70
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £107.70
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	£201.05

(5) Couple where both members have attained pensionable age on or after 1st April 2021	£306.85
(6) If the applicant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021—	£306.85
(a) for the applicant and the other party to the marriage;	
(b) for each additional spouse who is a member of the same household as the applicant	£105.80

## 2. Child or young person amounts

(1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

Column (1)	Column (2)
Child or young Person	Amount
Person in respect of the period— (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday; (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(a) £77.78; (b) £77.78.

(2) In column (1) of the table “the first Monday in September” means the Monday which first occurs in the month of September in any year.

## PART 2 Family premium

### 3. Family premium

The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person—

- (a) is £18.53 in respect of a reduction week which begins in the period beginning with 1st April 2015 and ending with 30<sup>th</sup> April 2016;
- (b) is nil in respect of a reduction week which begins after 1st May 2016.

### Transitional provision

(1) The amendment in regulation Part 2-3 (Family Premium) of this policy (or 2(4)(b) for the purposes of SI2041/2015) does not apply to a person who, on 30<sup>th</sup> April 2016, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A (2) of the Act and is—

- (a) a member of a family of which at least one member is a child or young person; or
- (b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

- (a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or
- (b) the person makes a new application for a reduction under an authority's scheme under section 13A (2) of the Act.

(3) For the purposes of this regulation—

- (a) “the Act” means the Local Government Finance Act 1992;
- (b) “child”, “family”, “partner”, “polygamous marriage” and “young person” have the meanings given by regulation 2 of the Council Tax Reduction Schemes (Prescribed

### **PART 3 - Premiums**

4. The premiums specified in Part 4 shall, for the purposes of paragraph 24(1)(d), be applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—

- (a) attendance allowance;
- (b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;
- (d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
- (e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
- (f) an AFIP.

#### **Severe disability premium**

6.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant shall be treated as being a severely disabled person if, and only if—

- a. in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—
  - (i) he is in receipt of—
    - (aa) attendance allowance;
    - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
    - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
    - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
    - (ee) an AFIP; and
  - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
  - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him;
- b. in the case of an applicant who has a partner—
  - (i) the applicant is in receipt of—
    - (aa) attendance allowance;
    - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
    - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(ee) an AFIP;

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and

(iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit that includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—

(a) a person receiving—

(i) attendance allowance;

(ii) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;

(iii) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(iv) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(v) an AFIP; or

(b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person shall be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made there under;

(c) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—

(a) no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

(b) references to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element shall include reference to a person who

would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

### **Enhanced disability premium**

7(1) The condition is that—

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act;
- (aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations;
- (ab) the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations, at the enhanced rate in accordance with regulation 5 of those Regulations or
- (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

### **Disabled child premium**

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family;
- (aa) is in receipt of child disability payment; or
- (b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death; or
- (d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a member of the family; or
- (e) is a young person who is in receipt of an AFIP.

### **Carer premium**

9.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance, this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);

(b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person shall be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

#### Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

#### Person in receipt of benefit

11. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

### PART 4 - Amounts of premium specified in Part 3

<i>Provision</i>	<i>Amount</i>
(1) Severe Disability Premium—	(a) £76.40;
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(b)
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(i) £76.40;
(a) in a case where there is someone in receipt of a carer's allowance or who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013, or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(ii) £152.80.
(b) in a case where there is no-one in receipt of such an allowance or such an award of universal credit.	
(2) Enhanced disability premium	(2) £30.17 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
	(3) £74.69 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(3) Disabled Child Premium.	(4) £42.75 in respect of each person who satisfies the condition specified in paragraph 9.
(4) Carer Premium.	



**Applicable amounts: persons who are not pensioners Paragraph 26****PART 1 Personal allowances****Personal allowances**

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of paragraphs 25(1)(a) and 26(1)(a) and (b)–

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£84.80
b) is aged not less than 25	£84.80
c) is aged not less than 18 but less than 25	£67.20
2. Lone Parent	£84.80
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£133.30
b) Where one member is aged not less than 18	£133.30
c) For each additional spouse who is a member of the same household as the claimant	£48.50

2. For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if–

- (a) paragraph 18 of this Schedule is satisfied in relation to the applicant; or  
(b) the applicant is entitled to a converted employment and support allowance.

- 3.–(1) The amounts specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of paragraphs 25(1)(b) and 26(1)(c) of this scheme:

Column (1)	Column (2)
<b>Child or Young person</b>	<b>Amount</b>
Person in respect of the period– (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday; (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£77.78 £77.78

- (2) In column (1) of the table in sub-paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

**PART 2 - Family premium****4. Family premium**

The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person is £18.53.

### **PART 3 - Premiums**

5. Except as provided in paragraph 6 of this Schedule, the premiums specified in Part 4 of this Schedule shall, for the purposes of paragraphs 25(1)(d) and 26(1)(e) of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 of this Schedule in respect of that premium.

6. Subject to paragraph 7 of this Schedule, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

7. The following premiums, namely—

- (a) a severe disability premium to which paragraph 11 of this Schedule applies;
- (b) an enhanced disability premium to which paragraph 12 of this Schedule applies;
- (c) a disabled child premium to which paragraph 13 of this Schedule applies; and
- (d) a carer premium to which paragraph 14 of this Schedule applies, may be applicable in addition to any other premium which may apply under this Schedule.

8.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14 of this Schedule, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

#### **Disability premium**

9. The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 of this Schedule is satisfied; or
- (b) where the applicant has a partner, either—
  - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or
  - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner.

#### **Additional condition for the disability premium**

10.—(1) Subject to sub-paragraph (2) and paragraph 8 of this Schedule, the additional condition referred to in paragraph 9 of this Schedule is that either—

- (a) the applicant or, as the case may be, his partner—
  - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
  - (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement

pension under that Act and the applicant has since remained continuously entitled to council tax benefit and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or

(iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 57(11)(i) (treatment of child care charges); or

(iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 57(11)(i) (treatment of child care charges); or

(v) is provided by the Secretary of State with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1977 (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to the Act of 1977 (additional provisions as to vehicles) or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or

(vi) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(b) the applicant—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vi), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

- (a) the reference to a period of 8 weeks in sub-paragraph (3); and
  - (b) the reference to a period of 56 days in sub-paragraph (5),
- shall in each case be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

### **Severe disability premium**

11.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant shall be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

(i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012; and

(ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and

(iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him ;

(b) in the case of an applicant who has a partner—

(i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012; and

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and

(iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit which includes the carer element in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2), that partner shall be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account shall be taken of—

(a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA; or

(b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person shall be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account shall be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance or an award of universal credit which include the carer element shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions)

### **Enhanced disability premium**

12.—(1) Subject to sub-paragraph (2), the condition is that—

- (a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or
- (b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of—
  - (i) the applicant; or
  - (ii) a member of the applicant's family, who has not attained the qualifying age for state pension credit; or
- (c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—
  - (i) the applicant; or
  - (ii) a member of the applicant's family, who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

- (a) an applicant who—
  - (i) is not a member of a couple or a polygamous marriage; and
  - (ii) is a patient within the meaning of paragraph 57(11)(e) of this scheme (treatment of child care charges) and has been for a period of more than 52 weeks; or
- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 57(11)(e) and has been for a period of more than 52 weeks.

### **Disabled child premium**

13. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind or treated as blind within the meaning of paragraph 10 of this Schedule; or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

### **Carer premium**

14.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

(2) Where a carer premium is awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) shall be—

(a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;

(b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

(a) the person in respect of whose care the carer's allowance has been awarded dies;

(b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

#### Persons in receipt of concessionary payments

15. For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

#### Persons in receipt of benefit for another

16. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

### PART 4

#### Amounts of Premiums Specified in Part 3

<i>Premium</i>	<i>Amount</i>
(1) Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £39.85
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £56.80
(2) Severe Disability Premium—	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £76.40
(b) where the applicant satisfies the condition in paragraph 11(2)(b)—	
(i) in a case where there is someone in receipt of a carer's allowance or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013; and if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £76.40

(ii) (ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit	(b)(ii) £152.80
(3) Disabled Child Premium.	(3) £74.69 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied.
(4) Carer Premium.	(4) £42.75 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced disability premium	(5)
(a) £30.17 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;	
(b) £19.55 in respect of each person who is neither—	
(i) a child or young person; nor	
(ii) a member of a couple or a polygamous marriage,	
in respect of whom the conditions specified in paragraph 12 are satisfied;	
(c) £27.90 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage.	

#### **PART 5 - The components**

**18.** Subject to paragraph 20 of this Schedule the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 of this Schedule if—

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
  - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
  - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

**19.** Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.

**20.—(1)** The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10 of this Schedule.

(2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

#### **The work-related activity component**

**21.** The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

### **The support component**

22. The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

### **PART 6 - Amount of Components**

23. The amount of the work-related activity component is £33.70.

24. The amount of the support component is. £44.70

### **PART 7 - Transitional Addition**

25.—(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008 and—
  - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008; and
  - (ii) is not in receipt of an income-related employment and support allowance, unless the amount of the transitional addition calculated in accordance with paragraph 28 of this Schedule would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support;
- (e) 5th April 2020.

26.—(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under—
  - (i) paragraph 25(2)(b) of this Schedule;
  - (ii) sub-paragraph (3)(b) of this paragraph; or
  - (iii) paragraph 27(3)(b) of this Schedule;
- (b) within 104 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related;
- (d) if the period between the events mentioned in paragraphs (a) and (b) is more than 12 weeks, the intervening period is one to which regulation 145(2) (linking period where applicant is a work or training beneficiary) of the Employment and Support Allowance Regulations 2008 applies in respect of the relevant person; and
- (e) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of



circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support;
- (e) 5th April 2020.

27.—(1) This paragraph applies where—

(a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—

- (i) paragraph 25(2)(c);
- (ii) paragraph 26(3)(c); or
- (iii) sub-paragraph (3)(c);

(b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;

(c) either—

(i) at the date on which the relevant person again becomes entitled to an employment

support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; or

(ii) the period between the events mentioned in paragraphs (a) and (b) is one to which

regulation 145(2) of the Employment and Support Allowance Regulations 2008 applies in respect of the relevant person; and

(d) at the date on which the relevant person again becomes entitled to an employment support

allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29 of this Schedule), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29 of this Schedule;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance, or income support;
- (e) 5th April 2020.

#### **PART 8 - Amount of Transitional Addition**

28.—(1) Subject to paragraph 29 of this Schedule, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (“the 2010 Regulations”) is made in respect of the relevant person—

(a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and

(b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—

(a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and

(b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, “basic amount” means the aggregate of such amounts as may apply in the applicant’s case in accordance with paragraph 25(1)(a) to (e) or paragraph 26(1)(a) to (f) of this scheme.

**29.—(1)** Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant’s basic amount, the transitional addition that applies immediately before the change of circumstances shall be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition shall be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.

**SCHEDULE 3 Amount of alternative maximum council tax reduction: pensioners and persons who are not pensioners.**

Paragraph 31

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 30 is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 15(2) of this scheme applies; and
- (b) “persons to whom paragraph 71(1) of this scheme applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and
- (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) <i>Second adult</i>	(2) <i>Alternative maximum council tax support</i>
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance, or are under the age of 25 and in receipt of Universal Credit where the award is calculated on the basis that the second adult does not have any earned income (as given in regulation 52 of the Universal Credit Regulations 2013)	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker’s allowance—	(b)
(i) is less than £244.00 per week;	(i) 15 per cent of the council tax due in respect of that day;
(ii) is not less than £244.00 per week but less than £317.00 per week;	(ii) 7.5 per cent of the council tax due in respect of that day;
(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 71(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker’s allowance.	(c) 100 per cent of the council tax due in respect of that day.

2. In determining a second adult’s gross income for the purposes of this Schedule, there shall be disregarded from that income—

- (a) any attendance allowance, any disability living allowance under section 71 of the SSCBA, or any personal independence payment under Part 4 of the Welfare Reform Act 2012;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 53 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 53, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

3. Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income shall be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

## SCHEDULE 4 Sums disregarded from applicant's earnings: pensioners.

### Paragraph 40

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—
  - (a) £25 in the case of a lone parent;
  - (b) £20 in any other case.
2. In a case where an applicant is a lone parent, £25 of earnings.
- 3.—(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.
  - (2) This paragraph applies to employment—
    - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
    - (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005 as an auxiliary coastguard in respect of coast rescue activities;
    - (d) in the manning or launching of a lifeboat if the employment is part-time;
    - (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.
  - (3) If—
    - (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
    - (b) either of them has, or both of them have, other earnings, so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.
- 4.—(1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.
  - (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
  - (3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.
- 5.—(1) £20 is disregarded if the applicant or, if he has a partner, his partner—
  - (a) is in receipt of—
    - (i) long-term incapacity benefit under section 30A of the SSCBA;
    - (ii) severe disablement allowance under section 68 of that Act;
    - (iii) attendance allowance under sections 64 to 76 of that Act;
    - (iv) disability living allowance under section 71 to 76 of that Act;
    - (v) personal independence payment under Part 4 of the Welfare Reform Act 2012;
    - (vi) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;
    - (vii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
    - (viii) main phase employment and support allowance; or
  - (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;

(ii) in any other case, 364 days; or

(d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—

(i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or regulation 7 of the Employment and Support Regulations 2013; (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and—

(a) £20 was disregarded in respect of earnings taken into account in that award; and

(b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

(a) entitlement to housing benefit; or

(b) receipt of a reduction under a council tax reduction scheme; or

(c) employment, following the first day in respect of which that benefit is awarded under this scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

6.—(1) Where—

(a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;

(b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and

(c) paragraph 34 does not apply,

the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case, where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 26 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple (“A”) it shall not apply to the other member of that couple (“B”) except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

(a) in receipt of a contributory employment and support allowance;

(b) in receipt of incapacity benefit;

(c) in receipt of severe disablement allowance;

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

- (6) “Exempt work” means work of the kind described in—
- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39 (1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be); or
  - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
- and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded there under.
8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—
- (a) £5 shall be disregarded if an applicant who has no partner has earnings;
  - (b) £10 shall be disregarded if an applicant who has a partner has earnings.
9. Any earnings, other than earnings referred to in paragraph 39(8)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.
- 10.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
  - (b) the applicant—
    - (i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
    - (ii) if he is a member of a couple—
      - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
      - (bb) his family includes at least one child or young person;
    - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
    - (iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.
- (3) The following are the amounts referred to in sub-paragraph (1)—
- (a) any amount disregarded under this Schedule;
  - (b) the amount of child care charges calculated as deductible under paragraph 56(1)(c); and
  - (c) £17.10.
- (4) The provisions of paragraph 10 of this scheme shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.
11. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

**SCHEDULE 5 Amounts to be disregarded in the calculation of income other than earnings: pensioners.**

**Paragraph 40**

**1.(1) 100% of any of the following—**

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (g) a pension paid by a government to victims of National Socialist persecution.

(2) The amounts to be disregarded under paragraph 1 include any amount included in a pension to which this paragraph relates in respect of the applicant's need for constant attendance or the applicant's exceptionally severe disablement

2. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

3. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

4. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

**5 Not used.**

**6.—(1) Any payment which is—**

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
  - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
  - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19<sup>th</sup> December 1881, the Royal Warrant of 27<sup>th</sup> October 1884 and the Order by His Majesty of 14<sup>th</sup> January 1922 (exceptional grants of pay, non-effective pay and allowances).

7. £15 of any widowed parent's allowance to which the applicant is entitled under section 39A of the SSCBA.

8. £15 of any widowed mother's allowance to which the applicant is entitled under section 37 of the SSCBA.



9. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

10. If the applicant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
  - (i) the amount paid by that person is less than £20 per week, the whole of that amount;
  - or
  - (ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 or if it was higher at the time, pensionable age;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants, the amount, calculated on a weekly basis, equal to—
  - (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
  - (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
  - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
  - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

13. Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

14. Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

15. Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

16. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

17. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

18. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

(a) under, or pursuant to regulations made under powers conferred by, section 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;

(b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

19.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

(a) is not in receipt of any award, grant, or student loan in respect of that education; or

(b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made there under, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in subparagraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount shall be equal to—

(a) the weekly amount of the payments; or

(b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance, or payment referred to in subparagraph (1)(b), whichever is less.

20.—(1) Where an applicant's family includes at least one child or young person £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

21. Except in a case which falls under paragraph 10 of Schedule 5, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

22. Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.

23. Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.

24. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.

25. Any victims' payment under the Victims' Payments Regulations 2020.

**26. Provision for all applicants: Homes for Ukraine scheme**

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

- (a) an applicant's entitlement to a reduction under the scheme; or
- (b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022

## SCHEDULE 6 Sums disregarded in the calculation of earnings: persons who are not pensioners.

### Paragraph 53

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
  - (a) where—
    - (i) the employment has been terminated because of retirement; and
    - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions, any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
  - (b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
    - (i) any payment of the nature described in—
      - (aa) paragraph 51(1)(e) (retainer), or
      - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
    - (ii) any award, sum or payment of the nature described in—
      - (aa) paragraph 51(1)(g) or (i) (compensation etc. relating to employment), or
      - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals), including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
  - (c) where before the first day of entitlement to a reduction under this scheme—
    - (i) the employment has not been terminated, but
    - (ii) the applicant is not engaged in remunerative work, any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).
2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—
  - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
  - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated, any earnings paid or due to be paid in respect of that employment except—
    - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
    - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).
3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.
- 4.—(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant, it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.  
  
(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

- (3) This paragraph applies where—
- (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and
  - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
5. In a case where the applicant is a lone parent, £25.
- 6.—(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.
7. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—
- (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
  - (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
8. In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
- 9.—(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as—
- (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
  - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
  - (c) an auxiliary coastguard in respect of coast rescue activities;
  - (d) a person engaged part-time in the manning or launching of a life boat;
  - (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;
- but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant, it must not apply to his partner except to the extent specified in sub-paragraph (2).
- (2) If the applicant's partner is engaged in employment—
- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
  - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.
10. Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.
11. In a case to which none of the paragraphs 4 to 10 applies, £5.

12.—(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
  - (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
  - (c) paragraph 14 does not apply,
- the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case, where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant’s family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple (“A”) it does not apply to the other member of that couple (“B”) except to the extent provided in sub-paragraph (4).

(4) Where A’s earnings are less than the specified amount, there must also be disregarded so much of B’s earnings as would not when aggregated with A’s earnings exceed the specified amount; but the amount of B’s earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) “Exempt work” means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be)
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

13. Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant’s income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

14. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, his earnings.

15. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

16. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

17. Any earnings of a child or young person.

18.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
  - (b) the applicant—
    - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
    - (ii) is a member of a couple and—
      - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
      - (bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or
    - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
    - (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—
      - (aa) the applicant’s applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;
      - (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
  - (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies or would apply if an application for working tax credit were to be made in his case.
- (3) The following are the amounts referred to in sub-paragraph (1)—
- (a) (a) the amount calculated as disregardable from the applicant’s earnings under paragraphs 4 to 12;
  - (b) (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and
  - (c) (c) £17.10.
- (4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

19. In this Schedule “part-time employment” means employment in which the person is engaged on average for less than 16 hours a week.

**SCHEDULE 7 Sums disregarded in the calculation of income other than earnings: persons who are not pensioners.**

**Paragraph 54**

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills, and Enterprise Scheme.
4. Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).
5. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
  - (a) engaged by a charitable or voluntary organisation, or
  - (b) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).
6. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
7. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of the employment.
8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
10. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
11. Any disability living allowance, personal independence payment or an AFIP.
12. Any concessionary payment made to compensate for the non-payment of—
  - (a) any payment specified in paragraph 11 or 14;
  - (b) income support;
  - (c) an income-based jobseeker's allowance;
  - (d) an income-related employment and support allowance.
13. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
14. Any attendance allowance.
15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
- 16.—(1) Any payment—
  - (a) by way of an education maintenance allowance made pursuant to—
    - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);



- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to—
  - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
  - (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
- (a) regulations made under section 518 of the Education Act 1996;
  - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
  - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

- 18.—(1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment—
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
  - (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
  - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training, or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

- 19.—(1) Subject to sub-paragraph (2), any of the following payments—
- (a) a charitable payment;
  - (b) a voluntary payment;
  - (c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
  - (d) a payment under an annuity purchased—
    - (i) pursuant to any agreement or court order to make payments to the applicant; or
    - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
  - (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

- (2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by—
- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
  - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20. Subject to paragraph 40, any of the following, namely—
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14);
  - (b) a war widow's pension or war widower's pension;

- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

21. Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.—(1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of “water charges” in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as his home”.

23. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

24.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant, or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship, or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount must be equal to—

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance, or payment referred to in sub-paragraph (1)(b), whichever is less.

25. Any payment made to the applicant by a child or young person or a non-dependent.
26. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
  - (b) where the aggregate of any such payments is £20 or more per week, £20.
27. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
  - (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.
- 28.—(1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to “income in kind” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
29. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 30.—(1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(200) (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
  - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
  - (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
  - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
31. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made—
- (a) by a local authority under—
    - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
    - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
    - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
  - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
32. Any payment made to the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant’s household but is temporarily in his care, by—
- (a) a health authority;

- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

33. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

34.—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A—
- (a) was formerly in the applicant's care, and
  - (b) is aged 18 or over, and
  - (c) continues to live with the applicant.

35.—(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974(201) or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
- (b) meet any amount due by way of premiums on—
  - (i) that policy; or
  - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

36. Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.

37. Any—
- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
  - (b) occasional assistance.

38. Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

39. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

40. The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.

41.—(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

42. Any housing benefit.

43. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

44. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

45. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax).

46.—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

47. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49.—(1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50.—(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In sub-paragraph (1)—

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991(202);
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

51. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(203) to assist disabled persons to obtain or retain employment despite their disability.

52. Any guardian's allowance.

53.—(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependent in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependent in respect of whom the increase is paid is not a member of the applicant's family.

54. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

55. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

56.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
  - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
  - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

57. Any council tax benefit to which the applicant is entitled.

58. Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

59. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

60.—(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—

- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
  - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
- in respect of which such assistance is or was received.

(2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

61.—(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

62. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

63. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

64. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(204).

65.—(1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes, in England, a county council.

66. Any payment of child benefit.

67. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:

(a) an applicant's entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

**68. Provision for all applicants: Homes for Ukraine scheme**

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

(a) an applicant's entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022



**SCHEDULE 8 Capital disregards: pensioners**  
**Paragraph 63**

**PART 1 Capital to be disregarded.**

1. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
2. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
3. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
4. Any premises occupied in whole or in part—
  - (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.
7. Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
8. All personal possessions.
9. The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.
10. The assets of any business owned in whole or in part by the applicant if—
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or reengaged, in that business, for a period of 26 weeks from the date on which the application for a reduction under this scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
11. The surrender value of any policy of life insurance.
12. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which—
  - (a) the applicant makes one or more payments to another person (“the provider”);

- (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
- (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

**13.** Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner, by the Japanese during the Second World War, an amount equal to that payment.

**14.—(1)** Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—

- (a) a diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is—

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents, at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home or an independent hospital.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;  
“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;  
“trust payment” means a payment under a relevant trust.

**15.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or civil partner or the applicant's partner's deceased spouse or civil partner—

- (a) was a slave labourer or a forced labourer;

- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died, during the Second World War.

16.— Any payment made under or by—

- (a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, “the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
- (aa) a Grenfell Tower support payment
- (b) the Independent Living Fund (2006)
- (c) Any historical child abuse payment
- (d) Any Windrush payment.

- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment and which is made to or for the benefit of that person’s partner or former partner—

- (a) from whom he is not, or where that person has died was not, estranged or divorced, or
- (b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death.

- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

- (5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person’s household; and

- (b) the payment is made either—

- (i) to that person’s parent or step-parent; or
- (ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person’s death.

- (6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment ,a historical child abuse payment or a Windrush payment, where—

- (a) that person at the date of his death (“the relevant date”) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and

- (b) the payment is made either—

- (i) to that person’s parent or step-parent; or

(ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent, but only for a period of two years from the relevant date.

- (7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from—
- (a) any payment of income or capital made under or deriving from any of the Trusts; or
  - (b) a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment

**16A-** Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

**16B** Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants;

**17.**—(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

- (2) Where the whole or part of the payment is administered—
- (a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;
  - (b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
  - (c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,
- the whole of the amount so administered.

**18.** Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

**19.** Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

**20.** So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

- (a) purchasing premises which the applicant intends to occupy as his home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

**21.**—(1) Subject to paragraph 22 any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit;
- (c) in lieu of the payment of benefit;
- (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
- (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as “Supporting People” or section 91 of the Housing (Scotland) Act 2001.
- (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in paragraph 16 of Schedule 1);
- (g) to rectify, or compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant’s entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply

(2) In sub-paragraph (1), “benefit” means—

- (a) attendance allowance under section 64 of the Act;
- (b) disability living allowance;
- (c) personal independence payment;
- (d) income support;
- (e) income-based jobseeker's allowance;
- (f) state pension credit;
- (g) housing benefit;
- (h) council tax benefit;
- (i) child tax credit;
- (j) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
- (k) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (l) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (m) working tax credit;
- (n) income-related employment and support allowance,
- (o) social fund payments under Part 8 of the SSCBA,
- (p) universal credit,
- (q) maternity allowance under section 35 of the SSCBA (state maternity allowance for employed or self-employed earner);
- (r) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
- (s) funeral expense assistance given in accordance with section 34 of that Act;
- (t) any Scottish child payment assistance given in accordance with section 79 of that Act;
- (u) any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019;
- (v) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018; or
- (w) winter heating assistance given in accordance with regulations under section 30 of that Act

(3) In sub-paragraph (1) "contributory employment and support allowance" means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance

22.—(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error or an error on a point in law relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to benefit under the Council Tax Benefit Regulations 2006 or the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(1A) Subject to paragraph (3), any payment of £5,000 or more received by the applicant in full on or after the day on which the applicant became entitled to a reduction under an authority's scheme which has been made to rectify, or compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant's entitlement to contributory employment and support allowance.

(1B) In sub-paragraph (1A) "contributory employment and support allowance" has the meaning in paragraph 21(3)

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(f) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014

(3) Any disregard which applies under sub-paragraph (1) (1A) or (2) shall have effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

(a) the award of benefit under the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and

(b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—

(i) is the person who received the relevant sum;

(ii) is the partner of that person; or

(iii) was the partner of that person at the date of his death;

“official error”—

(a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and

(b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means—

(a) in the case of an existing award of benefit under these Regulations or the Council Tax Benefit Regulations 2006, 6th October 2003; and

(b) in any other case, the date on which the claim for benefit under these Regulations or the Council Tax Benefit Regulations 2006 was made;

“the relevant sum” means the total amount referred to in sub-paragraph (1).

**23.** Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

**24.** The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

**25.** Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

**26.** The dwelling occupied as the home; but only one dwelling shall be disregarded under this paragraph.

**27.**—(1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.

**28.** Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

(a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;

(b) the amount of that lump sum, but only for so long as that person does not change that election in favour of an increase of pension or benefit.

**29.** - Any payments made by virtue of regulations made under—

(a) section 57 of the Health and Social Care Act 2001 (direct payments);

(b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);

- (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);
  - (d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare);
  - (e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments);
- or
- (f) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)

**29A.**

- (1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care)(a).
- (2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—
  - (a) was formerly in the applicant’s care;
  - (b) is aged 16 or over; and
  - (c) continues to live with the applicant.”.

**29B.** A payment made under the Age-Related payments regulations 2013.

**29C** Any payments to an applicant made under section 49 of the Children and Families Act 2014 (a) (personal budgets and direct payments)

**29D.** Any lump sum payment made in accordance with regulation 24 of the Victims’ Payments Regulations 2020.

**29E.** Any sum paid by means of assistance in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.

**29F.** Any sum paid by means of winter heating assistance in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018

**29G Provision for all applicants: Homes for Ukraine scheme**

- (1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
  - (a) an applicant’s entitlement to a reduction under the scheme; or
  - (b) the amount of any reduction to which the applicant is entitled.
- (2) In this regulation—  
 “the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022

**PART 2 - Capital disregarded only for the purposes of determining deemed income.**

**30.**The value of the right to receive any income under a life interest or from a life rent.

**31.**The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

**32.**The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

**33.**Where property is held under a trust, other than—  
 (a) a charitable trust within the meaning of the Charities Act 1993; or  
 (b) a trust set up with any payment to which paragraph 16 of this Schedule applies, and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant’s partner, or both, that property.

**34.** Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:  
 (a)an applicant’s entitlement to a reduction under the scheme; or  
 (b)the amount of any reduction to which the applicant is entitled.

“The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022



## SCHEDULE 9 Capital disregards: persons who are not pensioners.

### Paragraph 63

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
4. The dwelling together with any garage, garden, and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.
5. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
7. Any premises occupied in whole or in part—
  - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
10. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
- 11.—(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
  - (2) The assets of any business owned in whole or in part by the applicant where—
    - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
    - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,  
for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
  - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

12.—(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
  - (b) an income-related benefit under Part 7 of the SSCBA;
  - (c) an income-based jobseeker's allowance;
  - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
  - (e) working tax credit and child tax credit;
  - (f) an income-related employment and support allowance,
- but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as “the relevant sum”) and is—

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
  - (b) received by the applicant in full on or after 14th October 2001,
- sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—
  - (i) is the person who received the relevant sum; or
  - (ii) is the partner of the person who received the relevant sum or was that person's partner at the date of his death.

13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement, or improvement.

14. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

15. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

16. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

17. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

18.—(1) Any payment made to the applicant or the applicant’s partner in consequence of any personal injury to the applicant or, as the case may be, the applicant’s partner.

(2) But sub-paragraph (1)—

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

19. The value of the right to receive any income under a life interest or from a life rent.

20. The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

21. The surrender value of any policy of life insurance.

22. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

24.—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—

1. was formerly in the applicant’s care, and
2. is aged 18 or over, and
3. continues to live with the applicant.

25. Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

26. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

27. Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

28. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

29.—(1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

the person who is suffering from haemophilia or who is a qualifying person;

any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Sub-paragraph (3) does not apply if—

the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

30.—(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy

that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph “dwelling” includes any garage, garden, and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

32. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

33. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

34. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35. The value of the right to receive an occupational or personal pension.

36. The value of any funds held under a personal pension scheme.

37. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006).

39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(209) or section 66 of the Housing (Scotland) Act 1988(210) (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—  
to purchase premises intended for occupation as his home; or  
to carry out repairs or alterations which are required to render premises fit for occupation as his home,  
for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs, or alterations to be completed and the applicant to commence occupation of those premises as his home.

42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.—(1) Any payment or repayment made—  
as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

47. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(211) to assist disabled persons to obtain or retain employment despite their disability.

48. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958(212) to homeworkers assisted under the Blind Homeworkers' Scheme.

49.—(1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.

50.—(1) Any sum of capital to which sub-paragraph (2) applies and—  
which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;  
which can only be disposed of by order or direction of any such court; or  
where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—  
an award of damages for a personal injury to that person; or  
compensation for the death of one or both parents where the person concerned is under the age of 18.

51. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—  
award of damages for a personal injury to that person; or  
compensation for the death of one or both parents where the person concerned is under the age of 18.

52. Any payment to the applicant as holder of the Victoria Cross or George Cross.

53. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

54.—(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

55.—(1) Any payment—

by way of an education maintenance allowance made pursuant to—

(i) regulations made under section 518 of the Education Act 1996;

(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;

(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;

) corresponding to such an education maintenance allowance, made pursuant to—

(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

(ii) regulations made under section 181 of that Act; or

in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

regulations made under section 518 of the Education Act 1996;

regulations made under section 49 of the Education (Scotland) Act 1980; or

directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

56. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

57. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

58. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

the applicant;

the applicant’s partner;

the applicant’s deceased spouse or deceased civil partner; or

the applicant’s partner’s deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

59.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant’s family who is—

a diagnosed person;

the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;

a parent of a diagnosed person, a person acting in place of the diagnosed person’s parents or a person who was so acting at the date of the diagnosed person’s death; or

a member of the diagnosed person’s family (other than his partner) or a person who was a member of the diagnosed person’s family (other than his partner) at the date of the diagnosed person’s death.

(2) Where a trust payment is made to—

a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;

a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending—

(i) two years after that date; or

(ii) on the day before the day on which that person—

(aa) ceases receiving full-time education; or

(bb) attains the age of 20, whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;

a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending two years after that date; or

person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending—

(i) two years after that date; or

(ii) on the day before the day on which that person—

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person—

being the diagnosed person's partner;

being a member of a diagnosed person's family;

acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home, or an independent hospital on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

60. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—

was a slave labourer or a forced labourer;

had suffered property loss or had suffered personal injury; or

was a parent of a child who had died,

during the Second World War.

61.—(1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.



(2) For the purposes of sub-paragraph (1) “local authority” includes in England a county council.

62. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

63. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

64. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

65. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:

(a) an applicant’s entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

“The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

**66. Provision for all applicants: Homes for Ukraine scheme**

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

(a) an applicant’s entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022

# Agenda Item 7

## London Borough of Hammersmith & Fulham

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Council Tax Base and Collection Rate 2024/25 and Delegation of the Business Rate Estimate

**Report of:** Councillor Rowan Ree, Cabinet Member for Finance and Reform

**Report author:** Jamie Mullins, Assistant Director, Revenues

**Responsible Director:** Sukvinder Kalsi, Strategic Director of Finance

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### SUMMARY

This report is a statutory requirement that sets the Council Tax base for the purposes of the 2024/25 revenue budget.

The proposed 2024/25 Council Tax base is 86,113. This is an increase of 2,177 on the figure agreed for 2023/24 and will result in an increased income, based on the 2023/24 Band D Council Tax charge, of £1,745,235 for Hammersmith & Fulham.

The report also delegates authority to the Strategic Director of Finance to determine the business rates tax base for 2024/25.

For the purposes of council tax, a 'long-term empty home' is currently defined as a dwelling which has been unoccupied and substantially unfurnished for a continuous period of at least 2 years. The maximum council tax premium that billing authorities can apply is:

- up to 100% for properties empty for 2-5 years.
- up to 200% for properties empty for 5-10 years.
- up to 300% for properties empty for 10+ years.

The Levelling Up and Regeneration Bill contains a provision to amend the definition of 'long term empty homes' so that, for financial years from 2024-25 onwards, dwellings unoccupied and substantially unfurnished for a continuous period of at least one year are liable to the council tax premium.

The Bill also provides powers to billing authorities to charge a discretionary council tax premium of up to 100% for dwellings which are periodically occupied, referred to as second homes. This is defined as a dwelling that is substantially furnished and has no resident (i.e., it is not someone's sole or main residence).

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## RECOMMENDATIONS

That Cabinet agrees to refer this report to Full Council and recommend approval by Full Council for the financial year 2024/25 of:

- a. - The estimated numbers of properties for each Valuation Band as set out in this report.
- b. - An estimated collection rate of 97.0%.
- c. - The Council Tax Base of 86,113 Band “D” equivalent properties.
- d. - The delegation of authority to the Strategic Director of Finance to determine the business rates tax base for 2024/25.
- e - That the Council charge the full relevant Council Tax premium allowed on dwellings unoccupied and substantially unfurnished for a continuous period of at least one year and properties designated as second homes, as soon as the legislation allows.

**Wards Affected:** All

<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	Keeping the Council Tax low and providing Council Tax support help residents to maintain affordable living costs.
Creating a compassionate council	We continue to lead on Ethical Debt collection by working closely with vulnerable residents and not employing Enforcement Agents for the collection of Council Tax. Similarly, we have one of the most comprehensive Council Tax Support Schemes in the country, providing relief for those least able to pay. 47% of residents receive a discount on their, already low, Council Tax with many paying nothing at all.
Being ruthlessly financially efficient	The recommendations in this statutory report will ensure that the Council continues to charge the premium on long term empty properties and not grant discounts or exemptions to second homes or unoccupied and unfurnished properties. These

	generate additional income and contributes to one of the lowest Council Tax rates in the country.
Taking pride in H&F	The Council's policy on not granting discounts or exemptions on empty or second properties encourages bringing these properties back in to use and creating safer and cleaner communities for residents and contributing to the prevention of homelessness.

## Financial Impact

### Council Tax Base

The Local Government Finance Act 1992 requires that the council set the tax base by 31 January each year. It is used within the overall Council Tax and budget setting process, due to be reported to Cabinet on the 12<sup>th</sup> of February and to Budget Council on the 28th of February 2024.

The proposed Council Tax Base for 2024/25 of 86,113 is 2,177 Band D equivalents, higher than the 83,936 agreed for 2023/24.

#### Council Tax base changes.

The main reasons for the tax base change are:

	Band D Equivalents
An allowance for new properties added in-year	2,415
A forecast reduction in the number of single persons discounts	632
Increase in exemptions reducing tax base	(288)
Increase in the number of local Council Tax support scheme discounts	(205)
Reduction because of care leavers, foster carers, SGOs & other discounts	(377)
<b>Increase from the 2023/24 tax base</b>	<b>2,177</b>

The financial implications of this report will be incorporated in the final version of the 2024/25 budget report and Council Tax calculations to be considered by the Cabinet and Full Council.

The movement in the taxbase and that of prior years will be analysed to inform the medium-term financial strategy for the Council and future years taxbase projections.

Andre Mark, Head of Finance, Strategic Planning and Investment, 14 November 2023

*Verified by Sukvinder Kalsi, Strategic Director of Finance, 15 November 2024*

## Legal Implications

The Council has a statutory duty to set the Council Tax each year and this report is part of this process.

The relevant regulations and legislation together with the legal basis for agreeing the recommendations relating to the Council Tax base are found under section 31B of the Local Government Finance Act 1992 which imposes a duty on a billing authority to calculate its Council Tax by applying a formula laid down in that section. This relies on calculating a figure for the Council Tax base for the year. The Local Authority (Calculation of Council Tax Base) (England) Regulations 2012 require a billing authority to use a given formula to calculate the Council Tax base. The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, as amended in 2012 and Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 address the position of second and unoccupied homes.

*Jade Monroe, Chief Solicitor, Social Care, Email: [jade.monroe@lbhf.gov.uk](mailto:jade.monroe@lbhf.gov.uk), 15 November 2023*

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## Background Papers Used in Preparing This Report

DLHUC Return CTB1 (October 2023) - *PUBLISHED*  
Updated CTB1 - (November 2023) - *PUBLISHED*

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### DETAILED ANALYSIS

#### Discounts

##### Second Homes

1. There are 2,711 second homes in the borough. The Council does not offer a discount on second homes which adds 3,171 Band "D" equivalents to the 2024/25 tax base.
2. Based upon 2023/24 Council Tax levels, this generates income to the Council of £2.54m. This income is allowed for within the Council's medium-term financial strategy. Our preceptor, the Greater London Authority (GLA), also benefits from the reduction in the discount and the increase in income to the Council.
3. There are 704 empty (unoccupied and unfurnished) properties in the borough. The Council does not offer a discount for empty properties which adds an additional 908 Band "D" equivalents to the 2024/25 tax base. Based upon 2023/24 Council Tax levels, this generates income to the Council of £727,916. This income also directly benefits the GLA.

## Council Tax Support

4. Under Council Tax support, Hammersmith & Fulham and the GLA absorb the full cost of the scheme. This mirrors the previous Council Tax benefit arrangements. For 2024/25, the Council has provided Council Tax support discounts that equate to 10,355 Band 'D' equivalents. Based on 2023/24 Council Tax levels, this represents financial support of £13.52m (including the GLA precept).
5. The tax base regulations require the cost of the scheme to be treated as a discount and deducted from the Council's tax base calculation.

## Valuation Band Properties

6. In previous years the latest information on the number of properties within each valuation band is contained within a return (CTB1), which the Council provided to the DLUHC on 11 October 2023. That return reflected the actual number of properties shown in the Valuation List as of 11 September 2023, and the Council's records as of 2 October 2023. This year a full SPD review was completed after that return and cancelled 1044 SPD Band D equivalents. As this materially changed the tax base calculation, we carried out another full Council Tax base calculation on 1 November 2023 and the number of properties stated here relate to the updated calculation.
7. A detailed analysis of the properties in each valuation band is summarised below. There are 94,177 dwellings on the list with 26,143 properties estimated to receive a single person's discount. The total Band "D" equivalent is approximately 99142.9 properties.

### Council Tax Base Return Summary (CTB1)

Band	Band Size	Total Dwellings	Total after Discounts, Premiums, Exemptions and Disabled Relief	Ratio	Band "D" Equivalents
A	Values not exceeding £40,000	4,148	3078.5	6/9	2052.1
B	Values exceeding £40,000 but not exceeding £52,000	6,662	5050.3	7/9	3928
C	Values exceeding £52,000 but not exceeding £68,000	14,432	12598.3	8/9	11198.4
D	Values exceeding £68,000 but not exceeding £88,000	25,824	23255.3	9/9	23255.3
E	Values exceeding £88,000 but not exceeding £120,000	17,134	15736.3	11/9	19233.2
F	Values exceeding £120,000 but not exceeding £160,000	11,013	10188.8	13/9	14717.1
G	Values exceeding £160,000 but not exceeding £320,000	12,070	11427.5	15/9	19045.8
H	Values exceeding £320,000	2,894	2856.5	18/9	5713
	Total	94,177	84,191.3		<b>99,142.9</b>

### **Adjustments to the Valuation List**

8. The above table shows the valuation band position on 01 November 2023, but the Council is also required to consider any likely changes that may arise for the financial year 2024/25. Therefore, the following adjustments need to be considered:

### **New Properties**

9. There are likely to be a number of new properties, conversions etc added to the valuation list at some point during the year. There are approximately 676 units currently under construction on various sites in the borough that will be added to the tax base sometime during 2024/25. It is estimated after allowing for different completion dates that this will equate to an additional 984.6 Band 'D' equivalents.

### **Single Person Discounts (SPD)**

10. Following an extensive Single Person Discount Review which resulted in the cancellation of 1044 Band D Equivalents, it is projected that 209 of these Band D equivalent that have been cancelled will be reinstated by 1 April 2024.

### **Student Exemptions**

11. Dwellings wholly occupied by students are exempt from Council Tax. The projected Council Tax base needs to be adjusted to allow for students that have yet to prove their exemption for the new academic year. It is estimated that an adjustment of 554.8 Band D equivalents is required.

### **Council Tax Support**

12. The cost of the scheme equates to 10,355 Band "D" equivalents, based on 2023/24 Council Tax levels, which are deducted from the tax base for 2024/25. This is more than the deduction of 10,143 Band D equivalents made in 2023/24. This is due to an increase in the number of claimants applying for a discount.

### **Care Leavers, Foster Carers and Special Guardianship Orders**

13. For 2023/24, the Council has provided discounts for care leavers up to the age of 25. This equates to 103 Band D equivalents based on 2023/24 Council Tax levels. The cost of this discount is fully funded by the Council and needs to be deducted from the council's tax base calculation.

From the 1<sup>st</sup> of April 2024, the Council will also provide an exemption for In-House foster carers and special guardians residing in the Borough. This equates to 99 Band D equivalents based on 2023/24 levels, The cost of this exemption will be fully funded by the Council and also needs to be deducted from the council's tax base calculation.

14. The Council is required to set its tax base on the total of the relevant amounts for the year for each of the valuation bands shown or is likely to be shown for any day in the year in the authority's valuation list.
15. Based on the CTB1 calculation of 1 November 2023 and the proposed adjustments, the Council is requested to approve the estimated numbers of properties for each valuation band as set out in the following table:

### **2024/25 Council Tax Base Calculation**

Band	Band "D" Equivalent Actual September	Adjustments for New Properties	Adjustments for Student Exemptions	SPD	Projected increase for Council Tax Support Scheme	Care Leaver Foster carers, special guardianship orders	Revised Band "D" Equivalent
A	1,587.4	0	-2.5	-12.9	-18.5	-8	1,545.5
B	2,918.4	0	-23	-21.5	-34.5	-36.6	2,802.8
C	8,943.6	0	-59.6	-47.3	-67.5	-34.7	8,734.5
D	20,190.4	0	-137.5	-65.4	-81.6	-57.1	19,848.8
E	17,315.9	235.8	-132.3	-31.6	-41.7	-33.0	17,313.1
F	13,826.7	365.4	-146.7	-15.8	-16.3	-20.1	13,993.2
G	18,551	383.4	-44.6	-13	-7.8	-13.3	18,855.7
H	5,693.1	0	-8.6	-1.5	-0.3	-0	5,682.7
<b>Total</b>	<b>89,026.5</b>	<b>984.6</b>	<b>-554.8</b>	<b>-209</b>	<b>-268.2</b>	<b>-202.8</b>	<b>88,776.3</b>

### **Collection Rate**

16. The Council is also required to estimate its collection rate for 2024/25 at the same time as arriving at the estimated number of properties within the tax base. In arriving at a percentage collection rate for 2024/25, the Council considers the likely sum to be collected, previous collection experience and any other relevant factors.
17. The actual sum to be collected from local Council Taxpayers cannot be finally determined until the preceptor's requirements are known and the Council has approved its budget. The Council therefore must make an estimate of the sums to be collected locally making estimated allowance for sums from Council Tax support and write-offs/non-collection.
18. The actual collection rate for 2023/24 achieved to the end of October 2023 is 60.24% comprising cash collection of £69.6m and Council Tax Support of £13.5m. It is estimated that a further £42.5m (36.26%) will need to be collected by 31 March 2024 and £0.57m (0.5%) thereafter.
19. Collection performance has been calculated in order to comply with DLUHC performance indicator calculations. Latest calculations for 2023/24 show that the current collection rate is above the same level as 2022/23. As collection rates



continue to recover, it is therefore suggested that the collection rate for 2024/25 is set at 97%.

## **The Tax Base**

20. Under Section 31(B) of the Local Government Finance Act 1992 and the Regulations, the Council's tax base is calculated by multiplying the estimated number of Band "D" equivalents by the estimated collection rate.
21. Based on the number of Band "D" equivalents in the table in paragraph 9. Above and the estimated collection rate in paragraph 19 above, the calculation is as follows:

(Band D equivalents) x (Collection Rate) = (Tax Base)

88,776 x 97.0% = 86,113

## **Business Rates Tax base**

22. The Local Government Finance Act 2012 made it obligatory for authorities to formally calculate the estimated level of business rates (the business rates tax base) it anticipates collecting for the forthcoming financial year and passing this information to precepting authorities by 31 January. The Government continues to set the tax rate (known as the non-domestic multiplier).
23. The tax base is based on data from the Valuation Office with local allowance for the appropriate level of business rates appeals, the provision for bad debts, any discretionary reliefs and any forecast growth. This information is pulled together into a government return (NNDR1). The detailed guidance on completing the NNDR1 will be issued just before Christmas.
24. Non-Domestic Rating Act 2023 - Technical Adjustments to the Business Rates Retention System (BRSS)

This new bill, which is currently proceeding through parliament and is expected to come in to force from the 1st of April 2024, will change the way that Business Rate Multipliers are indexed and will give Government more flexibility over increases to the small and large business rate multipliers.

There are 2 changes proposed to the way the multiplier is indexed.

- Index multiplier increases using Consumer Price Index (CPI) rather than the Retail Price Index (RPI).
- De-couple the small and standard business rating multipliers. Currently the standard multiplier is 1.3p higher than the small business rating multiplier (SBRM)1, and the relationship between the small and standard multipliers have been fixed in this way.

## **Reasons For Decisions**

25. Under Section 11A of the Local Government Finance Act 1992, Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 and Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 the Council reduced discounts for both Second Homes and Unoccupied and Unfurnished dwellings to 0% with effect from 2013/14, this remains in place.
26. Under Section 11B of the Local Government Finance Act 2012 the Council introduced the Council Tax Empty Homes Premium with effect from 1 April 2014, this remains in place. This increased the charge on dwellings that have been unoccupied and substantially unfurnished by an additional 50% of the Council Tax that would be payable if the dwelling were occupied by two adults and no discounts were applicable. The premium increased to 100% from 01/04/2019 and from the 01/04/2020, the premium increased to 200% for dwellings which have remained unoccupied and substantially unfurnished for over five years.

## **Equality Implications**

27. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of these proposals. However, on 05 June, Hammersmith & Fulham decided to treat Care Experience as a protected characteristic in acknowledgement of the significant inequalities, discrimination and stigma faced by care leavers. This report acknowledges this and exempts care leavers from Council Tax up to the age of 25.

## **Risk Management Implications**

28. The report considers the implications required by the Council to meet its obligations under the Local Government Finance Act 2012 which made it obligatory for authorities to formally calculate the estimated level of business rates (the business rates tax base) it anticipates collecting for the forthcoming financial year and passing this information to precepting authorities by 31 January. The Council is also required to estimate its Collection Rate for 2024/25 at the same time as arriving at the estimated number of properties within the Tax Base. The Council is required Under Section 33(1) of the Local Government Finance Act 1992 and The Local Authorities (Calculations of Council Tax Base) (England) Regulations 2012, the Council (as billing authority) to calculate its Council Tax Base. The proposals are compliant with statutory duties and are provided in accordance with management of standing risk to manage the Council's finances.

*Implications verified by, David Hughes, Director of Audit, Fraud, Risk and Insurance, 9 November 2023*

## **LIST OF APPENDICES**

None

## London Borough of Hammersmith & Fulham

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Capital Programme Monitor & Budget Variations, 2023/24 (Second Quarter)

**Report of:** Councillor Rowan Ree, Cabinet Member for Finance and Reform

**Responsible Director:** Sukvinder Kalsi, Strategic Director of Finance

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### SUMMARY

The Council's overall financial strategy includes significant capital investment in the infrastructure of the Borough and this in turn supports the delivery of the Council's key priorities and strategies e.g. Building Homes & Communities.

All capital programmes are complex and involve considerable local community engagement, procurement, and planning considerations. The forecast capital budget for 2023/24, as at second quarter, is £227.3m and includes:

- £67m investment in the existing council homes to ensure compliance and building affordable new homes for residents.
- £33m investment in provision of new affordable housing
- £11m investment to ensure the continuing safety of Hammersmith Bridge and progressing the stabilisation works.
- £16m investment in road maintenance and infrastructure schemes including £4.9m investment in waste collection and disposal equipment and a further £4.6m in Clean Air Neighbourhoods scheme as part of our Climate and Ecology Strategy
- £3.2m investment in parks, leisure, and community safety
- £3.3m investment in social care capital projects including disabled facilities adaptations works
- £4.4m investment in maintaining schools including £1m investment on window replacement and decarbonisation schemes

Work is also continuing to complete the Civic Campus development that will re-open the historic town hall to the public and regenerate an important part of the Borough, providing a vibrant entertainment, arts, business, education, and social destination featuring world-class architecture.

The details of the capital programme for the financial year 2023/24 (including the financing of this spend) and the future programme are set out in the report.

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## RECOMMENDATIONS

1. To note the net increase in forecast capital expenditure of £16.1m for 2023/24.
2. To approve the updated four-year capital programme for 2023-2027 of £662.2m as detailed in Appendix 1.
3. To approve additional £3.2m budget for capital works on various schools' sites, funded from schools' capital grants, as detailed in paragraphs 12-14.
4. To note the potential risks regarding the General Fund Programme, as summarised in paragraphs 23-28.
5. To note the potential risks regarding the Housing Capital Programme, as summarised in paragraphs 29-33.
6. To note prudential indicators presented in Appendix 5, as per Prudential Code requirements.

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**Wards Affected:** All

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The capital programme contains schemes and projects which are directly linked to the Council's priorities.

Our Values	Summary of how this report aligns to the H&F Values
Being ruthlessly financially efficient	<p>All capital investment decisions are required to be underpinned by a robust business case that sets out the full costs, funding and risks and any expected financial return alongside the broader outcomes including economic and social benefits.</p> <p>This report provides detailed analysis of the Council's capital programme financial position and highlights potential risks and their impact on the Council's resources.</p>
Building shared prosperity	<p>We need to always confirm that spend fits our council's priorities; challenge how much needs to be spent; and achieve results within agreed budgets. Finance is everyone's business and every penny counts. The council will continue to invest in our ambitious housing development programme and work through the planning system to enable 3,000 new energy-efficient 50% genuinely affordable homes to be built.</p>
Creating a compassionate council	<p>As the council's resources have been reduced, we have protected the services on which the most vulnerable residents rely.</p>
Doing things with local residents, not to them	<p>A significant proportion of services are delivered in partnership with local and national companies, and</p>

	this will continue to promote all business sectors to the benefit of residents. The proposals will implement the Disabled People’s Housing Strategy, working in co- production with disabled residents.
Taking pride in H&F	The strategy proposals include significant investment in public realm services, to maintain world-class parks, open spaces, and cemeteries, making sure that parks are a safe space for residents. The proposals also are continuing to invest in CCTV so that residents feel secure in their homes and on the streets.
Rising to the challenge of the climate and ecological emergency	The council has approved a Climate and Ecology Strategy and action plan to deliver its target of net zero greenhouse gas emissions in the borough by 2030. It has been shaped by the work of the resident-led Climate and Ecological Emergency Commission, who worked closely with the Council’s Climate Unit and was devised by ten cross-departmental officer working groups.

## Financial Impact

This report and its contents are wholly of a financial nature.

Andre Mark, Head of Strategic Planning and Investment, 07776 673 099, 1 November 2023

## Legal Implications

There are no direct legal implications in relation to this report. Legal advice will be sought for each Procurement within the programme and will comply with the Council’s Contract Standing Orders and the Public Contract Regulations.

Jade Monroe, Chief Solicitor, Social Care 0208 753 2695, 1 November 2023

## Background Papers Used in Preparing This Report

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report:

- Capital Programme 2023-27 (published February 2023) - [Four Year Capital Programme 2023-27 And Capital Strategy 202324.pdf \(lbhf.gov.uk\)](#)

## ECONOMIC AND STRATEGIC OVERVIEW

The macro-economic turbulence (including high inflation and interest rates) has had a significant impact on the cost of materials, labour, and funding costs. Inflation has been consistent (at around 10% during the last financial year) and interest rates have

increased significantly (currently 5.25% in October 2023 compared to 0.25% in December 2021).

The interest rate regarding long-term borrowing from the Public Works Loans Board (PWLB) now stands at 5.6% compared to 1.5% in December 2021 (so borrowing is now more than 3 times more expensive than December 2021).

The Council's underlying need to borrow (Capital Financing Requirement - CFR) to support the capital programme is forecast to increase by £320.5m over the next 4 years (£68.8m regarding the headline General Fund CFR, £26m regarding self-financing schemes and £225.7m regarding the Housing Revenue Account).

There is a risk that those schemes expected to be self-financing are subject to economic and demand pressures, and therefore may not yield the required revenues. These details will be reported as part of the regular capital reports during 2023/24.

For illustrative purposes it is currently estimated that the increase of £68.8m in the General Fund CFR will result in an estimated additional revenue budget requirement of £5.5m<sup>1</sup> per annum by 2026/27.

These potential implications will need to be reflected in the Council's Treasury Management Strategy and the future MTFS.

**CAPITAL PROGRAMME 2023/24 – Q2 OVERVIEW**

- 1. The updated Quarter 2 2023/24 capital programme is summarised in Table 1. The programme has increased by £16.1m to £227.3m in comparison to the previous quarter. All the variations are detailed in Appendix 1.

**Table 1 – LBHF Capital Programme 2023/24 with proposed Q2 variations**

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<sup>1</sup> Current cost of borrowing rate of 8.8% calculated using the latest discounted certainty PWLB interest rate of 5.6% (including certainty rate discount) and minimum revenue provision (MRP) of 3.2%. MRP on new developments is charged at 2%.

	Revised Budget 2023/24 (Q1) £'000	Total Q2 Variances £'000	Revised Budget 2023/24 (Q2) £'000	2023/24 Actual spend to date (Q2) £'000	Actual spend to revised budget %
<b>CAPITAL EXPENDITURE</b>					
Children's Services	2,788	1,650	4,438	1,276	29%
Social Care	3,197	131	3,328	423	13%
Environment Department	27,490	2,739	30,229	10,311	34%
Finance and Resources Department	4,072	-	4,072	-	0%
General Fund Schemes under the Economy Department	101,403	(15,140)	86,263	25,353	29%
<b>Sub-total (General Fund)</b>	<b>138,950</b>	<b>(10,621)</b>	<b>128,329</b>	<b>37,363</b>	<b>29%</b>
Economy Department-HRA Programme	104,428	(5,491)	98,937	25,097	25%
<b>Sub-total Economy Department (HRA)</b>	<b>104,428</b>	<b>(5,491)</b>	<b>98,937</b>	<b>25,097</b>	<b>25%</b>
<b>Total Expenditure</b>	<b>243,378</b>	<b>(16,112)</b>	<b>227,266</b>	<b>62,460</b>	<b>27%</b>
<b>CAPITAL FINANCING</b>					
Use of specific resources (grant/section106/receipts)	92,138	(14,589)	77,549	31,188	40%
Borrowing-General Fund	45,425	4,765	50,190	29,759	59%
Self-financing borrowing -General Fund	43,769	(147)	43,622	-	0%
Borrowing -HRA	62,046	(6,141)	55,905	1,513	3%
<b>Total Capital Financing</b>	<b>243,378</b>	<b>(16,112)</b>	<b>227,266</b>	<b>62,460</b>	<b>27%</b>

## GENERAL FUND PROGRAMME OVERVIEW

- General Fund capital expenditure for 2023/24 is forecast at £128.3m, this a reduction of £10.6m in comparison to the previous quarter. This is mainly due to Civic Campus budget being reprofiled to future years.
- The General Fund (GF) mainstream programme cuts across the departments and represents schemes which are funded from Council resources (capital receipts or borrowing). It is the area of the programme where the Council has the greatest discretion. The mainstream programme forecast for 2023/24 is £57.4m which represents an increase of £4.8m in comparison to the previous quarter. The mainstream programme and quarter 2 movements are summarised in Appendix 2.
- The mainstream programme does not include self-financing schemes (where the net General Fund revenue borrowing costs are nil). Whilst these will have an impact on the Council's CFR, it is assumed that all Minimum Revenue Payment (MRP) and interest costs will be fully reimbursed through grant contributions, the charging of a state-aid compliant interest rate, the loan repayment, commercial income, or reduction in revenue costs (e.g. lease rental payments).
- CFR movements related to these schemes are presented under "Self-Financing Schemes and Loans" heading in the Table 2. CFR for these schemes is forecast to increase by £33.5m (£43.6m new expenditure less £10.1m loan repayments) to £89m in 2023/24 and to £81.4m by the end of 2026/27. Appendix 4 details the self-financing schemes and their movements.
- A key financial focus of the capital monitoring report is the potential impact of capital expenditure on future borrowing and its revenue affordability. The Council's underlying need to borrow for a capital purpose is measured through the Capital Finance Requirement (CFR) and incorporates the forecast

borrowing for the mainstream programme and self-financing schemes. The current forecast for the General Fund CFR is set out below:

**Table 2 - Forecast General Fund CFR 2023/24-2026/27 (Quarter 2)**

<b>GENERAL FUND CFR ANALYSIS</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>
<b>HEADLINE CFR EXCLUDING SELF FINANCING SCHEMES AND LOANS</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Opening Capital Finance Requirement (CFR)</b>	<b>128.91</b>	<b>134.01</b>	<b>181.12</b>	<b>211.93</b>	<b>207.91</b>
Revenue Repayment of Debt (MRP)	(1.60)	(1.60)	(2.49)	(3.86)	(3.80)
Appropriation between HRA & GF	(1.96)	(1.48)	-	-	-
Mainstream Programme (Surplus)/Shortfall	8.65	50.19	33.30	(0.15)	(1.30)
<b>Closing Capital Finance Requirement (CFR)</b>	<b>134.01</b>	<b>181.12</b>	<b>211.93</b>	<b>207.91</b>	<b>202.81</b>
<b>SELF FINANCING SCHEMES AND LOANS</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Opening Capital Finance Requirement</b>	<b>28.66</b>	<b>55.42</b>	<b>88.97</b>	<b>84.87</b>	<b>83.08</b>
Revenue Repayment of Debt (MRP)	-	-	(0.41)	(1.70)	(1.66)
Repayment of loans	-	(10.07)	(33.60)	(0.10)	-
In Year Borrowing	26.76	43.62	29.91	-	-
<b>Closing Capital Finance Requirement</b>	<b>55.42</b>	<b>88.97</b>	<b>84.87</b>	<b>83.08</b>	<b>81.42</b>
Finance leases/PFI/ Deferred costs of disposal	13.53	12.39	11.69	10.99	10.29
<b>Total Closing GF CFR</b>	<b>202.95</b>	<b>282.48</b>	<b>308.49</b>	<b>301.98</b>	<b>294.52</b>

- a. The current forecast for the General Fund (GF) Headline CFR is forecast to increase by £47.1m to £181.12m at the end of 2023/24 and £202.8m by the end of 2026/27. The increase in GF Headline CFR puts additional pressures on revenue budgets.
7. Minimum Revenue Provision (MRP) is the minimum amount which a Council must charge to its revenue budget each year, to set aside a provision for repaying external borrowing (loans). This is an annual revenue expense in a Council's budget. The MRP will, over time, reduce the CFR.
8. The statutory guidance issued by the Secretary of State (Ministry for Housing, Communities and Local Government) details the ways how MRP should be charged on various items of capital expenditure. MRP charges presented in the Table 2 follow this guidance and assume the following:
  - MRP charges are deferred for development projects until a year after their completion. The rate charged is based on the estimated life of an asset (50 years for new developments).
  - MRP on rolling capital programmes and smaller scale ad hoc schemes is charged the year after the expenditure incurs. The rate used is based on the weighted average life of an asset (2023/24 rate 3.18%).
9. Minimum Revenue Provision (MRP) forecast for 2023/24 is £1.6m, increasing to £3.8m by the end of 2026/27. This increase will need to be reflected in the Medium-Term Financial Strategy (MTFS).
10. The mainstream forecast assumes funding of £10.8m (brought forward from 2022/23) from capital receipts. These will be partially used to support invest to save expenditure and IT investment in accordance with the council's reserve strategy and action plan.



11. The Education Assets and Ops service requests Cabinet approval to drawdown additional incoming School Condition Allocation grant funds totalling £1.279m. £0.6m of the grant funds are expected to be spent in 2023/24 on urgent and unplanned works in schools including boiler failures, storm damage and water supply failure. The remaining grant funds of £0.7m will be carried forward into 2024/25 onwards to fund urgent and unplanned works in schools.
12. From banked Special Provision Capital Funds, the Education Assets and Ops service requests approval to drawdown up to £0.291m in 2023/24, which is an increase of £0.204m from the approved Cabinet report in June 2023. This is expected to cover costs at Wood Lane school for the purchase of a mobile classroom and building utilities, to create more capacity for High Needs learners with Education and Health Care Plans (EHCPs). Any underspend will be rolled forward for spend in 2025/26 and 2026/27 on creating a series of new resource units in mainstream schools based on the volume of EHCPs in line with the Special School Organisation and Capital Plan, and on accessibility works to enhance the ability of learners to access mainstream provision.
13. The Education Assets and Ops service requests approval to drawdown £1.727m from banked Basic Need grant funds. Of the total balance, £906,000 is expected to support the onboarding of educational assets and refurbishing them to enable long term educational use. It is expected that £0.846m would be spent in 2023/24 and £0.06m in 2024/25. The remaining grant funds of £0.821m are expected to support the creation inclusive SEN Units and Alternative Resource Provisions, aligned with the delivery of the Special School Organisation Plan and SEND Capital Programme.

## **HOUSING CAPITAL PROGRAMME OVERVIEW**

14. Housing Capital expenditure for 2023/24 is forecast at £98.9m. The expenditure and funding analysis of the Housing Programme is summarised in Table 2 below.

**Table 2 – Housing Capital Programme 2023/24 with proposed Q2 variations:**

	Revised Budget 2023/24 (Q1) £'000	Total Variations £'000	Revised Budget 2023/24 (Q2) £'000	Indicative 2024/25 Budget £'000	Indicative 2025/26 Budget £'000	Indicative 2026/27 Budget £'000
<b>Approved Expenditure</b>						
HRA Asset Management and Compliance Programme	66,830	162	66,992	61,528	50,251	58,860
Building Homes and Communities Strategy	23,031	(5,589)	17,442	64,805	55,024	8,041
Other HRA Capital Schemes	14,567	(64)	14,503	3,522	11,834	12,373
<b>Total Housing Programme</b>	<b>104,428</b>	<b>(5,491)</b>	<b>98,937</b>	<b>129,855</b>	<b>117,109</b>	<b>79,274</b>
<b>Available and Approved Resource</b>						
Capital Receipts - Unrestricted	2,971	-	2,971	9,574	6,881	42,265
Capital Receipts - RTB (141)	650	-	650	1,909	1,929	-
Capital Receipts - GF	-	-	-	-	-	-
Major Repairs Reserve (MRR)	17,131	45	17,176	17,415	17,934	17,454
Contributions Developers (S106)	1,289	1,115	2,404	2,299	7,803	8,075
Contributions from leaseholders	2,833	-	2,833	2,750	2,737	2,724
Capital Grants from Central Government	-	174	174	-	-	-
Capital Grants and Contributions from GLA Bodies	2,029	320	2,349	2,893	-	-
RtB GLA Ringfence	15,735	(1,004)	14,731	3,917	4,576	5,005
Borrowing (HRA)	61,790	(6,141)	55,649	89,098	75,249	3,751
<b>Total Funding</b>	<b>104,428</b>	<b>(5,491)</b>	<b>98,937</b>	<b>129,855</b>	<b>117,109</b>	<b>79,274</b>

15. Within the Housing Capital Programme there has been a net budget decrease of £5.5m, mainly due to budget reprofiling to future years in relation to affordable housing schemes.

16. The HRA CFR movements are shown in Table 3 below:

**Table 3 – HRA CFR at Q2 2023-24 (including future years forecast):**

HRA CFR Forecast	Actual	Forecast			
	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m
Opening HRA CFR	256.97	300.57	357.96	447.29	522.54
In Year Borrowing	41.65	55.91	89.33	75.25	3.75
Appropriation between HRA & GF	1.96	1.48	-	-	-
<b>Closing HRA CFR</b>	<b>300.57</b>	<b>357.96</b>	<b>447.29</b>	<b>522.54</b>	<b>526.29</b>

17. The Housing Revenue Account 2023/24 CFR is forecast to increase by £57.4m in comparison to 2022/23. This is mainly due to 2022/23 budgets being reprofiled to 2023/24 for the HRA Asset Management and Compliance Programme. The HRA CFR is forecast to increase to £526.3m by the end of 2026/27.

## FINANCING OF CAPITAL EXPENDITURE IN 2023/24

18. The financing of the capital programme across both the General Fund and HRA can be seen in summary at table 1 (above) and in more detail within the appendices. The Capital Financing Requirement (CFR), which demonstrates the council's underlying need to borrow, is forecast to increase in 2023/24 by £136.9m, driven by a combination of spend on elements of the programme that should over the long-term be self-financing (primarily linked to the Civic Campus project), and others elements where the borrowing costs are charged to revenue over time, via the Minimum Revenue Provision (MRP) within the

General Fund (as statutorily required) and through the 40 year business plan within the HRA.

19. The additional borrowing forecast for 2023/24 is currently assumed to be internal borrowing, i.e. funded temporarily via our own cash balances, thereby negating the need to borrow externally and the related cost of borrowing. This is particularly advantageous currently given Public Works Loans Board (PWLB) rates are above 5%, which is more than the opportunity cost of the return from investing cash balances. Internal borrowing is however by its nature a finite option and must be considered alongside other strategic priorities for the use of cash balances (such as use of earmarked reserves and the council's investment strategy). This is considered within the overall borrowing strategy, which is constructed across key strands including our capital programme, treasury management strategy and revenue strategy.

#### FOUR YEAR CAPITAL PROGRAMME OVERVIEW

20. Budget Council approved a four-year capital programme for 2023/24 to 2026/27 of £506.8m. The programme now stands at £662.2m. The movement (a net increase) of £155.4m is summarised in the below attached table:

Budget Movement Summary for 2023/24-2026/27 capital programme	General Fund	HRA	Total
	£'m	£'m	£'m
<b>Four-year capital programme budget approved at Full Council in February 2023</b>	<b>123.6</b>	<b>383.2</b>	<b>506.8</b>
Carry forward of unspent budgets from 2022/23 to future years	48.1	2.8	50.9
New budget approved for progression and delivery of LBHF's development for Farm Lane & Lille Road sites	-	40.8	40.8
New approved budget for Hammersmith Town Hall refurbishment	21.5	-	21.5
New budget approved for CHS schools capital programme	16.2	-	16.2
Additional budget for Hammersmith Bridge Strengthening	7.8	-	7.8
Additional approved budgets for various other capital schemes	7.4	-	7.4
Civic Campus commercial loan cashflow forecast adjustment	8.8	-	8.8
Acquisition of SBHA properties	5.4	-	5.4
Additional approved budget for Clean Air Neighbourhoods scheme	3.9	-	3.9
Additional approved budget for Waste Collection and Disposal	3.7	-	3.7
Additional budget, as per agreed TfL and s106 funding, for various infrastructure and transport schemes	2.3	-	2.3
Reduction in Education City loan budget to reflect the actual cash flow forecast	(11.7)	-	(11.7)
Budget reprofiling to 2027/28- Edith Summerskill scheme		(1.6)	(1.6)
<b>Revised four -year capital programme as at 2023/24 Q2</b>	<b>237.0</b>	<b>425.2</b>	<b>662.2</b>

21. A summary of four-year capital programme, including proposed Q2 variations, is presented in Appendix 1.

#### GENERAL FUND CAPITAL PROGRAMME RISKS

22. The following risks associated with funding of future years' expenditure have been identified within the General Fund Capital programme:
23. **Pre-development costs:** The General Fund capital programme includes several regeneration schemes that are at an early stage. These include Farm

Lane, Mund Street, Lillie Road, and Community Schools Programme budgets totalling £11m. Should these schemes not fully progress there is a risk that some, or all, of the expenditure may need to be written off to revenue. As mitigation against this risk the Development Board (chaired by the Strategic Director of The Economy) is providing a gateway and governance process for these schemes before commitment of funds. An earmarked revenue reserve of £5m is also set aside as further mitigation.

24. **Community Infrastructure Levy:** The current programme assumes Community Infrastructure Levy (CIL) contributions of £22.8m towards its funding. The exact amount and timing of these receipts largely depends on the progress of various developments around the Borough. Should these receipts not materialise or be delayed, the funding gap will need to be met by borrowing, resulting in additional borrowing costs and revenue pressures.
25. **Self-financing:** The current four-year capital programme contains £73.5m of budgets in relation to self-financing schemes. This is in addition to £55.4m already spent on these schemes as at 31 March 2023. Whilst these will have an impact on the Council's CFR, it is assumed that all Minimum Revenue Payment (MRP) and interest costs will be fully reimbursed through grant contributions, the charging of a state-aid compliant interest rate, the loan repayment, commercial income, or reduction in revenue costs (e.g. lease rental payments).
26. £63m of the above self-financing schemes is in relation to acquisition of Civic Campus commercial units. The financing of the borrowing costs for this scheme is highly sensitive to market changes and therefore there is a risk that, in the current economic climate, anticipated rental income targets might be lower than forecast and will not be sufficient to cover the associated borrowing costs.
27. **Capital receipts:** There are currently no forecast capital receipts and therefore will rely on borrowing to finance capital programmes in future years. However, the Council's Property Transformation team is systematically reviewing all assets as part of asset management best practice and as part of the wider accommodation strategy. As part of this programme of work, surplus assets may be identified that cannot be re-purposed for other uses and that could be sold for a capital receipt to support the capital programme. Any decisions on asset disposals will be the subject of a future report.

## HOUSING CAPITAL PROGRAMME RISKS

28. The following risks associated with funding of future years' expenditure have been identified within the Housing Capital programme:
29. **S106 Funding:** The proposed programme for 2023/24–2026/27 relies on £20m of S106 receipts for affordable housing, of which £16.1m has been received to date with the remainder dependent on the associated developments proceeding in a timely manner. There is a risk should such contributions not materialise.
30. **Right to Buy funding (retained receipts):** The Council has retained £16.1m of RTB 1-4-1 receipts which need to be spent within five years from the date of retention on eligible expenditure in respect of building new affordable housing schemes. £1.6m of these receipts is due to be spent by 31 March 2024. Should these receipts not be spent in a timely basis, the Council will have to repay them

back to the Department of Levelling Up, Housing and Communities (DLUHC) with interest which would be an additional cost to the HRA.

31. **Building Safety Act and Fire Safety Act:** The Building Safety Act came into force on 28 April 2022 whereas the Fire Safety Act was enacted in 2021. These legislations will significantly impact on the Council in its role as landlord. Whilst the Council has already approved its current Asset Management and Compliance Programme, which is included in the Capital Programme, additional safety requirements and further significant capital requirements will need to be considered. An updated Asset Management Capital Strategy, setting out a 12-year plan, was approved by the Cabinet in September 2021. Four-year spend for the period 2023/24-2026/27 has already been incorporated into the current Capital Programme. The impact of the proposals has been modelled in the latest HRA 40-year Business Plan and indicates a requirement for additional revenue savings to finance the significant capital servicing costs involved.
32. **Pre-development costs:** The current HRA programme contains £15.5m budget in relation to affordable housing schemes which are still in predevelopment stages. Of this, £4.1m has been spent as of 31 March 2023. Should these schemes not fully progress there is a risk that some, or all, of the expenditure may need to be written off to revenue. As a mitigation against this risk, an officer group (chaired by the Strategic Director of The Economy) provides a gateway and governance process for these schemes before any recommendation for commitment of funds. An earmarked revenue reserve of £3.6m is also set aside as further mitigation.

## **REASONS FOR DECISION**

33. This report reports the quarter 1 position to Cabinet and seeks revisions to the Capital Programme which require the approval of Cabinet in accordance with the Council's financial regulations.

## **EQUALITY IMPLICATIONS**

34. There are no direct equalities implications in relation to this report. This paper is concerned entirely with financial management issues and, as such, the recommendations relating to an increase in capital allocations, will not impact directly on any group with protected characteristics, under the terms of the Equality Act 2010.

## RISK MANAGEMENT

35. In the initial stages of any development, major capital projects will have significant uncertainties. For example, these may relate to the planning process, the views and interest of residents and stakeholders who must be consulted, ground conditions, or the costs of rectifying or demolishing existing buildings (e.g. the cost of asbestos removal). Construction companies and developers contracting with the Council which experience financial instability, particularly an issue following Covid-19 pandemic pressures, Brexit and the war in Ukraine and the impact of cost inflation. They may not be able to raise sufficient finance to cash flow operations, any potential insolvency process could lead to a costly process of changing suppliers without any guarantee of remaining within overall budget, the Council could suffer direct financial loss and any defects or other issues may not be resolvable as anticipated. To mitigate the Council carefully considers the financial robustness of any contractor and requests appropriate financial standing assurance and support wherever possible.
36. Large scale capital projects can operate in environments which are complex, turbulent, and continually evolving. Effective risk identification and control within such a dynamic environment is more than just populating a project risk register or appointing a project risk officer. Amplifying the known risks so that they are not hidden or ignored, demystifying the complex risks into their more manageable sum of parts, and anticipating the slow emerging risks which can escalate rapidly are all necessary components of good capital programme risk management.
37. The impact to councils of the Grenfell Tower fire is yet to be fully established. It is certain that many councils are/will be undertaking property reviews to determine the levels of improvements required to ensure fire safety arrangements within their buildings meet both the expectations of the residents and that they comply with building regulations and other statutory duties.
38. The Fire Safety Act 2021 (the Act) received Royal Assent on 29 April 2021 and commenced on 16 May 2022. The Act amended the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order). The Act confirms that responsible persons (RPs) for multi-occupied residential buildings must assess, manage, and put in place measures to reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts.
39. The Dame Judith Hackitt independent review of fire safety, following the Grenfell tragedy, recognises that High Rise Residential Buildings (10 Storeys and above) are a special risk where layers of fire protection must be put in place to reduce the risk to as low as reasonably possible, however reducing the risk for all residential accommodation is fundamental. This process is on-going and must be continually reviewed at least annually.
40. All works must comply with the Construction (Design and Management) Regulations. The Council must appoint a Principal Designer and Principal Contractor with the necessary and demonstrable expertise and competence.
41. Proposals set out in this report seek to comply with the Council's legal duties.

42. The report sets out the ongoing economic uncertainty, including the potential for further interest rate rises to be agreed by the Bank of England, and identifies actions which will, in part, mitigate this risk.
43. Implications verified by: Jules Binney, Risk and Assurance Manager, 30 October 2023.

### **VAT IMPLICATIONS**

44. The Council needs to carefully consider its VAT partial exemption calculation and the risk of breaching the partial exemption threshold. Capital projects represent the bulk of this risk. A breach would likely cost the Council between £2-£3m per year whilst in breach. Finance officers are working closely with departments to ensure that partial exemption risks are considered as part of significant capital projects. Further detail on the Council's partial exemption is included in Appendix 3.
45. Implications verified by: Joanna Monaghan, Principal Accountant (Taxation), Corporate Finance, 6 November 2023

### **LIST OF APPENDICES:**

- Appendix 1 – Detailed capital budget, spend and variation analysis by department
- Appendix 2 – GF Mainstream Capital Programme 2023-27
- Appendix 3 – VAT partial exemption
- Appendix 4 – Self-financing schemes
- Appendix 5 – Summary of Prudential Indicators

Appendix 1 – Detailed capital budget, spend and variation analysis by department

SUMMARY CAPITAL PROGRAMME 2023/24-2026/27

	Revised Budget 2023/24 (Q1)	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements	Revised Budget 2023/24 (Q2)	2023/24 Actual spend to date	2024/25	2025/26	2026/27	Total Budget (All years)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>CAPITAL EXPENDITURE</b>											
Children's Services	2,788	(1,560)	3,210	-	1,650	4,438	1,276	7,315	1,937	7,625	21,315
Social Care	3,197	-	131	-	131	3,328	423	-	-	-	3,328
Environment Department	27,490	(1,540)	4,279	-	2,739	30,229	10,311	9,398	3,698	2,376	45,701
Finance and Resources Department	4,072	-	-	-	-	4,072	-	5,677	-	-	9,749
General Fund Schemes under the Economy Department	101,403	(16,945)	1,805	-	(15,140)	86,263	25,353	63,535	3,873	3,260	156,931
<b>Sub-total (General Fund)</b>	<b>138,950</b>	<b>(20,045)</b>	<b>9,424</b>	<b>-</b>	<b>(10,621)</b>	<b>128,329</b>	<b>37,363</b>	<b>85,925</b>	<b>9,508</b>	<b>13,261</b>	<b>237,023</b>
Economy Department-HRA Programme	104,428	(5,753)	262	-	(5,491)	98,937	25,097	129,855	117,109	79,274	425,175
<b>Sub-total Economy Department (HRA)</b>	<b>104,428</b>	<b>(5,753)</b>	<b>262</b>	<b>-</b>	<b>(5,491)</b>	<b>98,937</b>	<b>25,097</b>	<b>129,855</b>	<b>117,109</b>	<b>79,274</b>	<b>425,175</b>
<b>Total Expenditure</b>	<b>243,378</b>	<b>(25,798)</b>	<b>9,686</b>	<b>-</b>	<b>(16,112)</b>	<b>227,266</b>	<b>62,460</b>	<b>215,780</b>	<b>126,617</b>	<b>92,535</b>	<b>662,198</b>
<b>CAPITAL FINANCING</b>											
<b>Specific/External Financing:</b>											
Government/Public Body Grants	5,549	(1,560)	3,502	12	1,954	7,503	1,721	7,315	1,937	7,625	24,380
Grants and Contributions from Private Developers (includes S106/CIL)	29,780	(17,561)	540	1,157	(15,864)	13,916	5,313	11,595	15,526	15,008	56,045
Capital Grants/Contributions from Non-departmental public bodies	790	-	-	-	-	790	1	-	-	-	790
Capital Grants and Contributions from GLA Bodies	19,823	(1,324)	481	520	(323)	19,500	7,144	6,830	4,576	5,005	35,911
Leaseholder Contributions	2,833	-	-	-	-	2,833	-	2,750	2,737	2,724	11,044
<b>Sub-total - Specific Financing</b>	<b>58,775</b>	<b>(20,445)</b>	<b>4,523</b>	<b>1,689</b>	<b>(14,233)</b>	<b>44,542</b>	<b>14,179</b>	<b>28,490</b>	<b>24,776</b>	<b>30,362</b>	<b>128,170</b>
<b>Mainstream Financing (Internal):</b>											
Capital Receipts - General Fund	7,229	-	-	-	-	7,229	310	3,597	-	-	10,826
Capital Receipts - HRA	3,621	-	-	-	-	3,621	232	11,483	8,810	42,265	66,179
Major Repairs Reserve (MRR)	17,131	-	-	45	45	17,176	16,439	17,415	17,934	17,454	69,979
Earmarked Reserves (Revenue)	5,382	(407)	6	-	(401)	4,981	28	2,252	-	-	7,233
<b>Sub-total - Mainstream Funding</b>	<b>33,363</b>	<b>(407)</b>	<b>6</b>	<b>45</b>	<b>(356)</b>	<b>33,007</b>	<b>17,009</b>	<b>34,747</b>	<b>26,744</b>	<b>59,719</b>	<b>154,217</b>
Borrowing-General Fund	89,194	(539)	5,157	-	4,618	93,812	29,759	63,210	(152)	(1,297)	155,573
Borrowing -HRA	62,046	(4,407)	-	(1,734)	(6,141)	55,905	1,513	89,333	75,249	3,751	224,238
<b>Total Capital Financing</b>	<b>243,378</b>	<b>(25,798)</b>	<b>9,686</b>	<b>-</b>	<b>(16,112)</b>	<b>227,266</b>	<b>62,460</b>	<b>215,780</b>	<b>126,617</b>	<b>92,535</b>	<b>662,198</b>



## Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Children's Services	Current Year Programme						Future Years Budgets					
	Analysis of Movements (Q1 to Q2)						2024/25 Budget	2025/26 Budget	2026/27 Budget	Total Budget (All years)		
	Revised Budget 2023/24 (Q1)	2023/24 Actual spend to date	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements					Revised Budget 2023/24 (Q2)	£'000
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
<b>Scheme Expenditure Summary</b>												
SEN sufficiency	401	-		204	-	204	605	2,500	600	4,496	8,201	
Foster carers' extension	167	2	-	-	-	-	167	-	-	-	167	
Basic Need Placement Sufficiency		-	(881)	1,727	-	846	846	291	69	521	1,727	
Windows & decarbonisation	1,000	25	-	-	-	-	1,000	2,601	-	-	3,601	
School Maintenance Programme	1,220	1,249	(679)	1,279	-	600	1,820	1,923	1,268	2,608	7,619	
<b>Total Expenditure</b>	<b>2,788</b>	<b>1,276</b>	<b>(1,560)</b>	<b>3,210</b>	<b>-</b>	<b>1,650</b>	<b>4,438</b>	<b>7,315</b>	<b>1,937</b>	<b>7,625</b>	<b>21,315</b>	
<b>Capital Financing Summary</b>												
<b>Specific/External or Other Financing</b>												
Capital Grants from Central Government	2,621	1,274	(1,560)	3,210	-	1,650	4,271	7,315	1,937	7,625	21,148	
<b>Sub-total - Specific or Other Financing</b>	<b>2,621</b>	<b>1,274</b>	<b>(1,560)</b>	<b>3,210</b>	<b>-</b>	<b>1,650</b>	<b>4,271</b>	<b>7,315</b>	<b>1,937</b>	<b>7,625</b>	<b>21,148</b>	
<b>Mainstream Financing (Internal Council Resource)</b>												
Capital Receipts	25	2	-	-	-	-	25	-	-	-	25	
<b>Sub-total - Mainstream Funding</b>	<b>25</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>25</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>25</b>	
<b>Borrowing</b>	<b>142</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>142</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>142</b>	
<b>Total Capital Financing</b>	<b>2,788</b>	<b>1,276</b>	<b>(1,560)</b>	<b>3,210</b>	<b>-</b>	<b>1,650</b>	<b>4,438</b>	<b>7,315</b>	<b>1,937</b>	<b>7,625</b>	<b>21,315</b>	

The projected spend in 2023/24 includes £401k on accessibility works included in school planned programmes and enhancing the provision for SEN learners with EHCPs, based on recommendations from the SEN Sufficiency Review. The spend will be funded from the High Needs Provision Capital Allocation and Special Provision Capital grants. There is projected spend of £1m in 2023/24 relating to the windows and decarbonisation programme in schools, in line with the climate and ecological Council priorities. In addition, £800k is expected to be drawn down from School Condition Allocation grant funds in 2023/24 towards planned and unplanned works in maintaining the condition of all LA maintained schools and carrying out condition surveys of all LA maintained schools. £420k will be spent on project management and contingency. The remaining budget of £15.3m will be carried forward to fund Capital spend in future years in line with the approved 2023-28 Capital programme. The School Maintenance Programme actuals include £227k of payments made directly to schools for their Capital works. The Service requests Cabinet approval to drawdown additional budget in relation to incoming and banked grant funds totalling £3.2m (Special Provision Capital Fund, School Condition Allocation and Basic Need grants).

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Social Care Services	Current Year Programme						Future Years Budgets				
	Analysis of Movements (Q1 to Q2)						Revised Budget 2023/24 (Q2) £'000	2024/25 Budget £'000	2025/26 Budget £'000	2026/27 Budget £'000	Total Budget (All years) £'000
	Revised Budget 2023/24 (Q1) £'000	2023/24 Actual spend to date £'000	Slippages from/(to) future years £'000	Additions/(Reductions) £'000	Transfers £'000	Total Transfers/Virements £'000					
<b>Scheme Expenditure Summary</b>											
Extra Care New Build project (Adults' Personal Social Services Grant)	957	-	-	-	-	957	-	-	-	957	
Disabled Facilities Grant	1,084	243	-	131	-	1,215	-	-	-	1,215	
Transforming Care (Winterbourne Grant)	300	-	-	-	-	300	-	-	-	300	
Social Care Capital Projects	856	180	-	-	-	856	-	-	-	856	
<b>Total Expenditure</b>	<b>3,197</b>	<b>423</b>	<b>-</b>	<b>131</b>	<b>-</b>	<b>3,328</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,328</b>	
<b>Capital Financing Summary</b>											
<b>Specific/External or Other Financing</b>											
Capital Grants from Central Government	2,768	423	-	131	-	2,899	-	-	-	2,899	
Capital Grants/Contributions from Non-departmental public bodies	300	-	-	-	-	300	-	-	-	300	
<b>Sub-total - Specific or Other Financing</b>	<b>3,068</b>	<b>423</b>	<b>-</b>	<b>131</b>	<b>-</b>	<b>3,199</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,199</b>	
<b>Borrowing</b>	<b>129</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>129</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>129</b>	
<b>Total Capital Financing</b>	<b>3,197</b>	<b>423</b>	<b>-</b>	<b>131</b>	<b>-</b>	<b>3,328</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,328</b>	

Additional Disabled Facilities Grant 2023/24 allocation.

## Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Environment Department	Current Year Programme						Future Years Budgets				
	Analysis of Movements (Q1 to Q2)										
	Revised Budget 2023/24 (Q1) £'000	2023/24 Actual spend to date £'000	Slippages from/(to) future years £'000	Additions/ (Reductions) £'000	Transfers £'000	Total Transfers/ Virements £'000	Revised Budget 2023/24 (Q2) £'000	2024/25 Budget £'000	2025/26 Budget £'000	2026/27 Budget £'000	Total Budget (All years) £'000
<b>Scheme Expenditure Summary</b>											
Footways and Carriageways	2,555	1,303	-	-	-	-	2,555	2,030	2,030	2,030	8,645
Transport For London Schemes	1,339	236	-	1	-	1	1,340	-	-	-	1,340
Column Replacement	382	144	-	-	-	-	382	346	346	346	1,420
Other Highways Capital Schemes	2,332	463	(132)	50	-	(82)	2,250	4,112	183	-	6,545
Clean Air Neighbourhoods	4,567	12	-	-	-	-	4,567	300	-	-	4,867
Hammersmith Bridge Stabilisation Works	4,900	3,569	-	-	-	-	4,900	-	-	-	4,900
Hammersmith Bridge Pre Restoration Works	6,149	2,283	-	-	-	-	6,149	-	-	-	6,149
Waste Collection and Disposal Projects	1,163	1,261	(522)	4,222	-	3,700	4,863	522	-	-	5,385
Public CCTV	1,097	849	-	-	-	-	1,097	1,102	1,139	-	3,338
Kings Coronation Youth Fund	632	-	-	-	-	-	632	-	-	-	632
Parks Projects	2,154	191	(886)	6	-	(880)	1,274	986	-	-	2,260
Leisure Centre Capital Investment	220	-	-	-	-	-	220	-	-	-	220
<b>Total Expenditure</b>	<b>27,490</b>	<b>10,311</b>	<b>(1,540)</b>	<b>4,279</b>	<b>-</b>	<b>2,739</b>	<b>30,229</b>	<b>9,398</b>	<b>3,698</b>	<b>2,376</b>	<b>45,701</b>
<b>Capital Financing Summary</b>											
<b>Specific/External or Other Financing</b>											
Capital Grants from Central Government	160	24	-	-	-	-	160	-	-	-	160
Grants and Contributions from Private Developers (includes S106/S278)	4,877	614	(480)	50	-	(430)	4,447	4,860	183	-	9,490
Capital Grants/Contributions from Non-departmental public bodies	463	1	-	-	-	-	463	-	-	-	463
Capital Grants and Contributions from GLA Bodies	2,056	233	-	1	-	1	2,057	-	-	-	2,057
<b>Sub-total - Specific or Other Financing</b>	<b>7,556</b>	<b>872</b>	<b>(480)</b>	<b>51</b>	<b>-</b>	<b>(429)</b>	<b>7,127</b>	<b>4,860</b>	<b>183</b>	<b>-</b>	<b>12,170</b>
<b>Mainstream Financing (Internal Council Resource)</b>											
Use of Reserves	3,308	28	(407)	6	-	(401)	2,907	407	-	-	3,314
<b>Sub-total - Mainstream Funding</b>	<b>3,308</b>	<b>28</b>	<b>(407)</b>	<b>6</b>	<b>-</b>	<b>(401)</b>	<b>2,907</b>	<b>407</b>	<b>-</b>	<b>-</b>	<b>3,314</b>
<b>Borrowing</b>	<b>16,626</b>	<b>9,411</b>	<b>(653)</b>	<b>4,222</b>	<b>-</b>	<b>3,569</b>	<b>20,195</b>	<b>4,131</b>	<b>3,515</b>	<b>2,376</b>	<b>30,217</b>
<b>Total Capital Financing</b>	<b>27,490</b>	<b>10,311</b>	<b>(1,540)</b>	<b>4,279</b>	<b>-</b>	<b>2,739</b>	<b>30,229</b>	<b>9,398</b>	<b>3,698</b>	<b>2,376</b>	<b>45,701</b>

The slippage this quarter relates to developer funded Highways works being rephased to next year to align with the overall development works (-£132,000) and delays to parks improvement works (-£886,000), mostly relating to the unexpected requirement to carry out a bat survey as part of the Bishops Park riverside railings project (season dependent). The additions this quarter relate to additional funding from developers for Highways works (£50,000) and the introduction of new waste collection services for wheeled bins and food waste (£4.2m phased as £3.7m in 2023/24 and £0.5m in 2024/25). Hammersmith Bridge works continue at risk, pending confirmation of funding contributions from the Department for Transport and Transport for London. The Council's business case is due to be reviewed by DfT in November, after which it is expected to have more certainty around funding arrangements. The delivery of Clean Air Neighbourhood projects are currently under review, with risk of slippage to next year. A further update will be provided at Quarter 3. All other capital schemes are progressing as planned.

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Finance and Resources Department	Current Year Programme						Future Years Budgets				
	Analysis of Movements (Q1 to Q2)										
	Revised Budget 2023/24 (Q1)	2023/24 Actual spend to date	Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements	Revised Budget 2023/24 (Q2)	2024/25 Budget	2025/26 Budget	2026/27 Budget	Total Budget (All years)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Scheme Expenditure Summary</b>											
Invest to Save - Flexible Use of Capital Receipts	739	-	-	-	-	-	739	3,597	-	-	4,336
Investment in Digital Infrastructure	827	-	-	-	-	-	827	-	-	-	827
Tech- tonic 2 Device refresh	2,330	-	-	-	-	-	2,330	2,080	-	-	4,410
Business Intelligence Infrastructure	176	-	-	-	-	-	176	-	-	-	176
<b>Total Expenditure</b>	<b>4,072</b>	-	-	-	-	-	<b>4,072</b>	<b>5,677</b>	-	-	<b>9,749</b>
<b>Capital Financing Summary</b>											
<b>Mainstream Financing (Internal Council Resource)</b>											
Capital Receipts	739	-	-	-	-	-	739	3,597	-	-	4,336
Use of Reserves	2,074	-	-	-	-	-	2,074	1,845	-	-	3,919
<b>Sub-total - Mainstream Funding</b>	<b>2,813</b>	-	-	-	-	-	<b>2,813</b>	<b>5,442</b>	-	-	<b>8,255</b>
<b>Borrowing (GF)</b>	<b>1,003</b>	-	-	-	-	-	<b>1,003</b>	-	-	-	<b>1,003</b>
<b>Borrowing (HRA)</b>	<b>256</b>	-	-	-	-	-	<b>256</b>	<b>235</b>	-	-	<b>491</b>
<b>Total Capital Financing</b>	<b>4,072</b>	-	-	-	-	-	<b>4,072</b>	<b>5,677</b>	-	-	<b>9,749</b>

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Economy Department General Fund Managed Schemes

Current Year Programme

Future Years Budgets

Analysis of Movements (Q1 to Q2)

Revised Budget 2023/24 (Q1)	2023/24 Actual spend to date	Slippages from/(to) future years	Additions/(Reductions)	Transfers	Total Transfers/Virements	Revised Budget 2023/24 (Q2)
£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Scheme Expenditure Summary</b>						
<b>Civic Campus</b>						
Hammersmith Town Hall Refurbishment	36,866	4,669	(16,726)	-	(16,726)	20,140
Acquisition of commercial units	12,940	4,893	(1,601)	-	(1,601)	11,339
Commercial Units- Cinema Fit Out	1,750	-	-	-	-	1,750
JV Partnership Loan (Civic Campus)	10,333	3,508	-	-	-	10,333
<b>Subtotal Civic Campus</b>	<b>61,889</b>	<b>13,070</b>	<b>(18,327)</b>	<b>-</b>	<b>(18,327)</b>	<b>43,562</b>
<b>Building Homes and Communities Strategy (GF sites)</b>						
Education City Loan	18,746	6,711	1,454	-	1,454	20,200
Education City -Youth Facility	3,655	-	-	-	-	3,655
Mund Street	666	25	(428)	762	334	1,000
Community Schools Programme	457	342	-	573	573	1,030
<b>Subtotal Building Homes and Communities Strategy (GF sites)</b>	<b>23,524</b>	<b>7,078</b>	<b>1,026</b>	<b>1,335</b>	<b>2,361</b>	<b>25,885</b>
<b>Other GF Capital Schemes managed by the Economy</b>						
Sands End Community Centre	27	-	-	-	-	27
Planned Maintenance/DDA Programme	8,178	308	-	-	-	8,178
Carnwath Road	-	-	-	-	-	-
North End Road - Good Growth Fund	488	5	356	(20)	336	824
West Kensington & Gibbs Green Public Realm	-	-	-	490	490	490
WMC JV Exit Costs	1,857	-	-	-	-	1,857
Asset Purchase - SBHG Sheltered Housing	5,440	4,892	-	-	-	5,440
<b>Subtotal Other GF Capital Schemes managed by the Economy</b>	<b>15,990</b>	<b>5,205</b>	<b>356</b>	<b>470</b>	<b>826</b>	<b>16,816</b>
<b>Total Expenditure</b>	<b>101,403</b>	<b>25,353</b>	<b>(16,945)</b>	<b>1,805</b>	<b>(15,140)</b>	<b>86,263</b>

2024/25 Budget	2025/26 Budget	2026/27 Budget	Total Budget (All years)
£'000	£'000	£'000	£'000
27,202	-	-	47,342
29,264	-	-	40,603
-	-	-	1,750
650	-	-	10,983
<b>57,116</b>	<b>-</b>	<b>-</b>	<b>100,678</b>
-	-	-	20,200
-	-	-	3,655
895	973	360	3,228
-	-	-	1,030
<b>895</b>	<b>973</b>	<b>360</b>	<b>28,113</b>
-	-	-	27
2,900	2,400	2,400	15,878
1,870	-	-	1,870
244	-	-	1,068
510	500	500	2,000
-	-	-	1,857
-	-	-	5,440
<b>5,524</b>	<b>2,900</b>	<b>2,900</b>	<b>28,140</b>
<b>63,535</b>	<b>3,873</b>	<b>3,260</b>	<b>156,931</b>

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Economy Department General Fund Managed Schemes	Current Year Programme							Future Years Budgets			
	Revised Budget 2023/24 (Q1)	2023/24 Actual spend to date	Analysis of Movements (Q1 to Q2)				Revised Budget 2023/24 (Q2)	2024/25 Budget	2025/26 Budget	2026/27 Budget	Total Budget (All years)
			Slippages from/(to) future years	Additions/ (Reductions)	Transfers	Total Transfers/ Virements					
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
<b>Capital Financing Summary</b>											
<b>Specific/External or Other Financing</b>											
Grants and Contributions from Private Developers (includes S106)	821	25	334	490	-	824	1,645	536	500	500	3,181
Community Infrastructure Levy (CIL)	22,793	4,669	(17,373)	-	-	(17,373)	5,420	3,900	7,040	6,433	22,793
Capital Grants/Contributions from Non-departmental public bodies	27	-	-	-	-	-	27	-	-	-	27
Capital Grants and Contributions from GLA Bodies	3	3	(20)	380	-	360	363	20	-	-	383
<b>Sub-total - Specific or Other Financing</b>	<b>23,644</b>	<b>4,697</b>	<b>(17,059)</b>	<b>870</b>	<b>-</b>	<b>(16,189)</b>	<b>7,455</b>	<b>4,456</b>	<b>7,540</b>	<b>6,933</b>	<b>26,384</b>
<b>Mainstream Financing (Internal Council Resource)</b>											
Capital Receipts (GF)	6,465	308	-	-	-	-	6,465	-	-	-	6,465
<b>Sub-total - Mainstream Funding</b>	<b>6,465</b>	<b>308</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>6,465</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>6,465</b>
GF Borrowing	71,294	20,348	114	935	-	1,049	72,343	59,079	(3,667)	(3,673)	124,082
<b>Total Borrowing</b>	<b>71,294</b>	<b>20,348</b>	<b>114</b>	<b>935</b>	<b>-</b>	<b>1,049</b>	<b>72,343</b>	<b>59,079</b>	<b>(3,667)</b>	<b>(3,673)</b>	<b>124,082</b>
<b>Total Capital Financing</b>	<b>101,403</b>	<b>25,353</b>	<b>(16,945)</b>	<b>1,805</b>	<b>-</b>	<b>(15,140)</b>	<b>86,263</b>	<b>63,535</b>	<b>3,873</b>	<b>3,260</b>	<b>156,931</b>

Additional budgets for Community Schools Programme and Mund Street project totalling £1.3m approved via CMD In September 2023. £2.5m budget for West Kensington and Gibbs Green Public Realm funded from external grant, £2m reprofiled to future years. Budget reprofiling of £16.9m to future years is mainly due to delays in Hammersmith Town Hall refurbishment project. Community Infrastructure Levy (CIL) contribution used to fund Hammersmith Town Hall refurbishment has been reprofiled to reflect the receipts forecast for the current and future years. It is assumed that the shortfall in the funding in 2023/24 & 2024/25 will be temporarily financed by borrowing.

Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Economy Department- HRA Capital Programme	Current Year Programme						Future Years Budgets				
	Analysis of Movements (Q1 to Q2)						2024/25 Budget £'000	2025/26 Budget £'000	2026/27 Budget £'000	Total Budget (All years) £'000	
	Revised Budget 2023/24 (Q1) £'000	2023/24 Actual spend to date £'000	Slippages from/(to) future years £'000	Additions/ (Reductions) £'000	Transfers £'000	Total Transfers/ Virements £'000					Revised Budget 2023/24 (Q2) £'000
<b>Scheme Expenditure Summary</b>											
<b>HRA Asset Management and Compliance Programme</b>											
Pre Agreed Works	11,143	3,417	(2,817)	-	2,568	(249)	10,894	7,085	7,041	13,112	38,132
Fire Safety Compliance Programme	8,068	2,803	(2,072)	-	-	(2,072)	5,996	4,367	2,627	5,450	18,440
Fire Safety Complex Schemes	11,501	3,300	(3,351)	-	-	(3,351)	8,150	14,700	13,781	-	36,631
Lift Schemes	4,001	-	-	-	-	-	4,001	750	750	800	6,301
Boiler Schemes	4,645	310	(1,666)	-	-	(1,666)	2,979	6,140	4,370	4,670	18,159
Safety Works - Electrical	10,205	441	(3,808)	-	-	(3,808)	6,397	2,250	2,000	4,360	15,007
Safety Works	14,283	1,068	(5,220)	-	(2,285)	(7,505)	6,778	7,924	8,052	17,546	40,300
Void Works	4,581	3,750	(200)	-	-	(200)	4,381	3,200	1,200	1,200	9,981
Other Capital Improvements	7,933	684	(1,217)	162	640	(415)	7,518	2,849	1,330	770	12,467
Capitalised salaries	6,040	-	-	-	-	-	6,040	5,600	5,600	3,300	20,540
Capitalised repairs	6,467	487	(2,609)	-	-	(2,609)	3,858	4,070	3,500	3,500	14,928
Climate Emergency and Other future works	16,286	179	(15,363)	-	(923)	(16,286)	-	2,593	-	4,152	6,745
Allowance for program slippage for financial modelling purposes	(38,323)	-	38,323	-	-	38,323	-	-	-	-	-
<b>Subtotal HRA Asset Management and Compliance Programme</b>	<b>66,830</b>	<b>16,439</b>	<b>-</b>	<b>162</b>	<b>-</b>	<b>162</b>	<b>66,992</b>	<b>61,528</b>	<b>50,251</b>	<b>58,860</b>	<b>237,631</b>
<b>Building Homes and Communities Strategy (HRA sites)</b>											
Homes & Communities Strategy	-	-	-	-	-	-	-	1,378	-	-	1,378
White City Estate Regeneration	722	344	-	-	-	-	722	958	215	-	1,895
Becklow Gardens	41	4	-	-	-	-	41	295	720	603	1,659
Barclay Close	54	4	-	-	-	-	54	205	573	50	882
Jepson House	55	4	-	-	-	-	55	525	895	1,704	3,179
The Grange	50	4	-	-	-	-	50	475	860	325	1,710
Old Laundry Yard	150	65	-	-	-	-	150	415	536	-	1,101
Education City- HRA element	21,032	5,917	-	-	-	-	21,032	23,901	6,492	428	51,853
Hartopp & Lannoy	13,734	2,079	(5,689)	-	-	(5,689)	8,045	22,129	23,303	707	54,184
Farm Lane	435	81	-	-	-	-	435	4,960	8,808	3,226	17,429
Investment in Affordable Housing-Lillie Road Site	492	144	-	100	-	100	592	9,564	12,622	998	23,776
<b>Subtotal Building Homes and Communities Strategy (HRA sites)</b>	<b>23,031</b>	<b>8,646</b>	<b>(5,689)</b>	<b>100</b>	<b>-</b>	<b>(5,589)</b>	<b>31,176</b>	<b>64,805</b>	<b>55,024</b>	<b>8,041</b>	<b>159,046</b>
<b>Other HRA Capital Schemes</b>											
Housing Development Project	95	3	-	-	-	-	95	-	-	-	95
Stanhope Joint Venture	496	9	(64)	-	-	(64)	432	3,522	11,603	12,373	27,930
Property Acquisition for Affordable Housing	242	-	-	-	-	-	242	-	-	-	242
Nourish Project (Good Growth Fund)	-	-	-	-	-	-	-	-	231	-	231
<b>Subtotal Other HRA Capital Schemes</b>	<b>14,567</b>	<b>12</b>	<b>(64)</b>	<b>-</b>	<b>-</b>	<b>(64)</b>	<b>769</b>	<b>3,522</b>	<b>11,834</b>	<b>12,373</b>	<b>28,498</b>
<b>Total Expenditure</b>	<b>104,428</b>	<b>25,097</b>	<b>(5,753)</b>	<b>262</b>	<b>-</b>	<b>(5,491)</b>	<b>98,937</b>	<b>129,855</b>	<b>117,109</b>	<b>79,274</b>	<b>425,175</b>

## Appendix 1 – Detailed capital budget, spend and variation analysis by department/cont.

Economy Department- HRA Capital Programme		Current Year Programme					Future Years Budgets			
		Analysis of Movements (Q1 to Q2)								
Revised Budget 2023/24 (Q1) £'000	2023/24 Actual spend to date £'000	Slippages from/(to) future years £'000	Additions/ (Reductions) £'000	Transfers £'000	Total Transfers/ Virements £'000	Revised Budget 2023/24 (Q2) £'000	2024/25 Budget £'000	2025/26 Budget £'000	2026/27 Budget £'000	Total Budget (All years) £'000
<b>Capital Financing Summary</b>										
<b>Specific/External or Other Financing</b>										
Capital Grants from Central Government	-	-	-	162	12	174	-	-	-	174
Contributions from leaseholders	2,833	-	-	-	-	-	2,750	2,737	2,724	11,044
Grants and Contributions from Private Developers (includes S106)	1,289	5	(42)	-	1,157	1,115	2,299	7,803	8,075	20,581
Capital Grants and Contributions from GLA Bodies	2,029	-	(300)	100	520	320	2,893	-	-	5,242
RtB GLA Ringfence and Affordable Housing Grants	15,735	6,908	(1,004)	-	-	(1,004)	3,917	4,576	5,005	28,229
<b>Sub-total - Specific or Other Financing</b>	<b>21,886</b>	<b>6,913</b>	<b>(1,346)</b>	<b>262</b>	<b>1,689</b>	<b>605</b>	<b>11,859</b>	<b>15,116</b>	<b>15,804</b>	<b>65,270</b>
<b>Mainstream Financing (Internal Council Resource)</b>										
Capital Receipts (HRA)	2,971	3	-	-	-	-	9,574	6,881	42,265	61,691
1-4-1 capital receipts	650	229	-	-	-	-	1,909	1,929	-	4,488
Major Repairs Reserve (MRR) / Major Repairs Allowance	17,131	16,439	-	-	45	45	17,415	17,934	17,454	69,979
Capital Receipts (GF)	-	-	-	-	-	-	-	-	-	-
<b>Sub-total - Mainstream Funding</b>	<b>20,752</b>	<b>16,671</b>	<b>-</b>	<b>-</b>	<b>45</b>	<b>45</b>	<b>28,898</b>	<b>26,744</b>	<b>59,719</b>	<b>136,158</b>
Borrowing(HRA)	61,790	1,513	(4,407)	-	(1,734)	(6,141)	89,098	75,249	3,751	223,747
<b>Total Capital Financing</b>	<b>104,428</b>	<b>25,097</b>	<b>(5,753)</b>	<b>262</b>	<b>-</b>	<b>(5,491)</b>	<b>129,855</b>	<b>117,109</b>	<b>79,274</b>	<b>425,175</b>

The HRA capital programme is complex and requires significant engagement with tenants, detailed assessment of the stock condition, major procurement of contractors and strategic planning considerations. The programme has been re-aligned at Quarter 2 (including adjusting the overprogramming) to optimise delivery and will continue to be monitored during the rest of the financial year and future years to ensure that our overall objectives of building new homes and completing essential investment are delivered for tenants.



## Appendix 2 –General Fund Mainstream Capital Programme 2023-27 with proposed 2023/24 Q2 variations

	Revised Budget 2023/24 (Q1) £'000	Total Variations £'000	Revised Budget 2023/24 (Q2) £'000	Indicative Budget 2024/25 £'000	Indicative Budget 2025/26 £'000	Indicative Budget 2026/27 £'000	Total Budget (All years) £'000
<b>Approved Expenditure</b>							
<b>Ad Hoc Schemes:</b>							
Social Care Capital projects [ASC]	129	-	129	-	-	-	129
Invest to Save-Flexible Use of Capital Receipts [FIN]	739	-	739	3,597	-	-	4,336
Business Intelligence Infrastructure	176	-	176	-	-	-	176
Investment in Digital Infrastructure [RES]	827	-	827	-	-	-	827
WMC JV Exit Costs [ECD]	1,857	-	1,857	-	-	-	1,857
Carnwath Road [ECD]	-	-	-	1,870	-	-	1,870
Hammersmith Bridge Strengthening [ENV]	4,900	-	4,900	-	-	-	4,900
Hammersmith Bridge Pre Restoration Works [ENV]	6,149	-	6,149	-	-	-	6,149
Public CCTV [ENV]	1,097	-	1,097	1,102	1,139	-	3,338
Other Highways Capital Schemes [ENV]	-	(131)	(131)	131	-	-	-
North End Road - Good Growth Fund [ECD]	484	(24)	460	224	-	-	684
Foster carers' extension [CHS]	167	-	167	-	-	-	167
Leisure Centre Capital Investment [ENV]	220	-	220	-	-	-	220
Asset Purchase - SBHG Sheltered Housing [ECD]	5,440	-	5,440	-	-	-	5,440
Planned Maintenance/DDA Programme [ECD]	8,178	-	8,178	2,900	2,400	2,400	15,878
Waste Collection and Disposal Projects	1,154	3,700	4,854	522	-	-	5,376
Footways and Carriageways [ENV]	2,555	-	2,555	2,030	2,030	2,030	8,645
Column Replacement [ENV]	382	-	382	346	346	346	1,420
Parks Programme & Libraries [ENV]	169	-	169	-	-	-	169
Hammersmith Town Hall Refurbishment [ECD]	14,073	647	14,720	23,302	(7,040)	(6,433)	24,549
Community Schools Programme [ECD]	457	573	1,030	-	-	-	1,030
Education City Youth Zone [ECD]	3,500	-	3,500	-	-	-	3,500
Farm Lane/Mund Street [ECD]	-	-	-	869	973	360	2,202
Investment in Affordable Housing-Lillie Road Site [ECD]	-	-	-	-	-	-	-
<b>Total Mainstream Programmes</b>	<b>52,653</b>	<b>4,765</b>	<b>57,418</b>	<b>36,893</b>	<b>(152)</b>	<b>(1,297)</b>	<b>92,862</b>
<b>Financing</b>							
Capital Receipts	7,229	-	7,229	3,597	-	-	10,826
Increase/(Decrease) in Borrowing	45,424	4,765	50,189	33,296	(152)	(1,297)	82,036
<b>Total Financing</b>	<b>52,653</b>	<b>4,765</b>	<b>57,418</b>	<b>36,893</b>	<b>(152)</b>	<b>(1,297)</b>	<b>92,862</b>

## **Appendix 3 – VAT Partial Exemption**

### Partial exemption overview

In general, businesses cannot recover the VAT incurred on purchases made in connection with VAT exempt activities, for example, on capital expenditure on properties which are let or leased. However, under Section 33 of the VAT Act 1994, local authorities can recover VAT incurred in relation to VAT exempt activities, for example property transactions, if it forms “an insignificant proportion” of the total VAT incurred (input tax) in any year, taken to be 5% or less. Crucially, the de minimis limit is not an allowance; if the 5% threshold is exceeded then all exempt input tax is lost, not just the excess. A breach would likely cost the Council between £2-£3m per year whilst in breach.

### LBHF Partial Exemption

The Council’s Partial Exemption position is currently being reviewed. When calculating the exempt input tax annually, the Council considers its revenue and capital activities separately. Revenue activities are more constant, their contribution to exempt input tax is projected to remain at £2.4m (the impact on the threshold being the VAT incurred on this amount, i.e. £0.54m). Exempt input tax relating to capital activities is more volatile and each project must be considered and judged individually. The Council has several capital projects, both in progress and in the pipeline, which could have significant partial exemption implications and finance officers are working closely with colleagues working on these projects to ensure that these risks are identified and mitigated where possible.

### VAT Policy

The following policy is in place to manage the partial exemption position:

- In all cases of new or reprofiled projects, the VAT team and the Council’s tax accountant should be consulted in advance.
- Projects should be 'opted-to-tax' where this option is available and is of no financial disadvantage to the Council.

## Appendix 4 – Self-financing schemes

Table 2 - Self-financing schemes and loans CFR movements 2023/24-2026/27 (Quarter 2 forecast)

	Revised Budget 2023/24 (Q1)	Total Variations	Revised Budget 2023/24 (Q2)	Indicative Budget 2024/25	Indicative Budget 2025/26	Indicative Budget 2026/27	Total Budget (All years)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>Approved Expenditure</b>							
<b>Ad Hoc Schemes:</b>							
Education City -ARK loan	18,746	1,454	20,200	-	-	-	20,200
Acquisition of commercial units (Civic Campus)	12,940	(1,601)	11,339	29,264	-	-	40,603
Commercial Units- Cinema Fit Out [ECD]	1,750	-	1,750	-	-	-	1,750
JV Partnership Loan (Civic Campus)	10,333	-	10,333	650	-	-	10,983
<b>Total Mainstream Programmes</b>	<b>43,769</b>	<b>(147)</b>	<b>43,622</b>	<b>29,914</b>	<b>-</b>	<b>-</b>	<b>73,536</b>
<b>Financing</b>							
Increase/(Decrease) in Borrowing	43,769	(147)	43,622	29,914	-	-	73,536
<b>Total Financing</b>	<b>43,769</b>	<b>(147)</b>	<b>43,622</b>	<b>29,914</b>	<b>-</b>	<b>-</b>	<b>73,536</b>

The current self-financing schemes include:

- £25m equity loan to the Civic Campus programme
- £10m development financing to WKSR LLP
- £63m investment in acquisition of Civic Campus commercial units
- £20.2m development financing to EdCity Office Ltd
- £1.75m Civic Campus Cinema Fit Out

## Appendix 5 – Summary of Prudential Indicators

The Prudential Code requires local authorities to set up and monitor several prudential indicators to ensure that all their capital expenditure, investments and borrowing decisions are prudent and sustainable. In doing so the local authorities will consider their arrangements for the repayment of debt (including through MRP or loans fund repayments) and consideration of risk and the impact, and potential impact, on the authority's overall fiscal sustainability. Indicators for prudence are required to be set over a minimum three-year rolling period. They should also be set in line with a capital strategy and asset management plan that is sustainable over the longer term. Where statutorily ringfenced resources such as the HRA or police fund exist, the indicators of prudence should be set separately for these areas.

As the Council's S151 officer, the Director of Finance has responsibility to ensure that appropriate prudential indicators are set and monitored and that any breaches are reported to members. The Strategic Director of Finance has confirmed that the PIs set out below are all expected to be complied with in 2023/24 and it is not envisaged at this stage that there will be any difficulty in achieving compliance with the suggested indicators for 2024/25.

Prudential Indicator	2022/23 Actual			2023/24 Forecast			2024/25 Forecast			2025/26 Forecast		
	GF	HRA	Total	GF	HRA	Total	GF	HRA	Total	GF	HRA	Total
Capital Expenditure	£74.3m	£65.8m	£140.1m	£128.3m	£98.9m	£227.2m	£85.9m	£129.9m	£215.8m	£9.5m	£117.1m	£126.6m
Capital Financing Requirement (CFR)	£202.9m	£300.6m	£503.5m	£282.5m	£357.9m	£640.4m	£308.5m	£447.2m	£755.7m	£302.0m	£522.5m	£824.5m
Ratio of Financing Costs to Net Revenue Streams	3.02%	31.20%		2.96%	31.55%		2.82%	35.42%		2.80%	38.44%	
Ratio of Commercial/Service Investment Income to Net Revenue Stream	2.11%	3.60%		1.88%	3.48%		1.80%	0.07%		1.79%	3.34%	
Net Debt vs CFR			£232m underborrowed			£95m underborrowed			£95m underborrowed			£95m underborrowed
Authorised Limit for External Debt			£650m			£650m			£700m			£750m
Operational Debt Boundary			£570m			£600m			£650m			£700m
Limit on surplus funds invested for more than 364 days (non-specified investments)			£0m			£120m			£120m			£120m
Maturity structure of borrowing			Upper limit under 12 months:15% Lower limited 10 years and above:100%			Upper limit under 12 months:15% Lower limited 10 years and above:100%			Upper limit under 12 months:15% Lower limited 10 years and above:100%			Upper limit under 12 months:15% Lower limited 10 years and above:100%

## London Borough of Hammersmith & Fulham

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Revenue Budget Review 2023/24 - Month 6 (September 2023)

**Report of:** Councillor Rowan Ree, Cabinet Member for Finance and Reform

**Responsible Director:** Sukvinder Kalsi, Strategic Director of Finance

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### SUMMARY

This is the third financial review of 2023/24 (a further report will follow at Month 9). The outcomes of this review reflect the challenging macro-economic conditions and is based on a prudent view. A pressure of £5.1m (or 2.3% of the net budget) is forecast prior to any mitigations and use of contingencies. Mitigations and recovery action plans could reduce the forecast to £4.0m and this will be monitored during the year.

The strategic operating environment for the Council and across the economy remains challenging, with high inflation and interest rates. This is reflected in reducing household incomes and is increasing demand on public services, adding costs to our service delivery, and reducing the income that is collected for services.

The budget for 2023/24 was based on:

- preserving front line services valued by residents/businesses/visitors.
- ensuring the delivery of key Council priorities (e.g., free home care, council tax support scheme and weekly collection of waste)
- increasing investment in services including fly-tipping, food waste collection, homelessness, free school breakfasts, care packages for disabled children and family hubs
- maintaining financial resilience of the Council

The approved General Fund budget was also based on pay and price allowances of 5%, investment in services of almost £10.7m (plus a £1m fund for cost-of-living programmes) and savings of £2.9m.

To facilitate the closing of the accounts several actions will be required which normally require Cabinet approval, for example transfer to and from reserves, budget virements, level of bad debt provision, etc. This report seeks authority to delegate such decisions to the Strategic Director of Finance.

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### RECOMMENDATIONS

1. To delegate authority to the Strategic Director of Finance, in consultation with the Cabinet Member for Finance and Reform, to take all decisions necessary to facilitate the closing of the final accounts.

2. To note the General Fund financial forecast at month 6.
3. To note that the position on the Housing Revenue Account (HRA) as set out in paragraph 12.
4. To note the in-year Dedicated Schools Grant High Needs Block forecasted surplus of £0.401m (thereby reducing the cumulative deficit).
5. To approve General Fund budget changes totalling £0.061m as detailed in Appendix 10. This is being funded using one-off use of earmarked reserves.
6. To approve the proposal to refund to council tenants, the commission on the collection of water charges as set out in paragraph 14 of this report.

**Wards Affected:** All

<b>H&amp;F values</b>	<b>Summary of how this report aligns to the H&amp;F Priorities</b>
Being ruthlessly financially efficient	We need to always confirm that spend fits our council's priorities; challenge how much needs to be spent; and achieve results within agreed budgets. Finance is everyone's business, and every penny counts.
Creating a compassionate council	As the Council's resources have been reduced, we have protected the services on which the most vulnerable residents rely. This budget continues all our previous policies to support residents and proposes new spending on care packages for disabled children and additional resources to help residents through the cost-of-living crisis.
Building shared prosperity	A significant proportion of services are delivered in partnership with local and national companies, and this will continue to promote all business sectors to the benefit of residents. In addition, there will be increased investment in the Industrial Strategy Delivery and the development and promotion of the STEAM sector strategy.
Doing things with residents, not to them	The use of co-production across the Council is embedded and all service matters are developed with the engagement of residents. The Council is continuing the REAP (Resident Experience and Access Programme) Programme to improve residents' access to the services.
Taking pride in H&F	The budget includes significant investment

	in public realm services especially waste collection, street cleaning and open/park spaces. Our new waste contract includes provisions to tackle fly-tipping and collection of food waste.
Rising to the challenge of the climate and ecological emergency	The Council has established a Climate Change team and the team has developed a Climate and Ecology Strategy (and is making a significant contribution to the international and national policy debates). It is also securing grants from national programmes to help with improvements of the thermal efficiency of Council properties and homes).

### **Financial Impact**

All the financial issues are set out in this report.

Andre Mark, Head of Finance (Strategic planning and investment), 21 November 2023 and verified by Sukvinder Kalsi, Strategic Director of Finance, 15 December 2023.

### **Legal Implications**

The Council has a statutory duty under s151 of the Local Government Act 1972 to arrange for the proper administration of its financial affairs as well as a common law fiduciary duty to taxpayers with regards to its use of and accounting for public monies. This report assists in the discharge of those duties.

The proposals outlined in paragraph 14 are necessary in light of the court decisions that Councils had overcharged their tenants for water.

There are no other legal implications for this report.

Verified by Jade Monroe, Chief Solicitor, Legal Services 12<sup>th</sup> December 2023

### **Background Papers Used in Preparing This Report**

None

## **DETAILED ANALYSIS**

### **GENERAL FUND**

1. Full Council approved the current General Fund revenue budget in February 2023 of £201.6m. The budget across all services including investment of £10.9m and savings of £2.9m.

2. The General Fund forecast at Month 6 (end of September 2023) is a forecast pressure of £5.099m. Table 1 sets out an analysis by Department and Table 2 an analysis by subjective type of expenditure.

**Table 1 – Month 6 (September 2023): General Fund forecast** (underspends in brackets)

Department	Revised Budget Month 6	Forecast Outturn Variance Month 6	Forecast Outturn Variance Month 4	Variance movement since previous month
	£m	£m	£m	£m
Social Care	66.853	3.848	4.917	(1.069)
Children's Services	57.995	2.474	1.678	0.796
The Economy Department	11.056	1.151	1.201	(0.050)
The Environment Department	61.748	1.267	1.088	0.179
Controlled Parking Account	(32.153)	0.593	1.237	(0.644)
Corporate Services	17.484	0.669	0.488	0.181
Finance	1.618	(0.034)	(0.076)	0.042
Centrally Managed Budgets	23.013	(4.869)	(4.746)	(0.123)
<b>Total</b>	<b>207.614</b>	<b>5.099</b>	<b>5.787</b>	<b>(0.688)</b>

**Table 2 – Month 6 (September 2023): General Fund subjective forecast** (underspends in brackets)

Subjective	Revised budget Month 6	Forecast Outturn Variance Month 6	Forecast Outturn Variance Month 4	Variance movement since previous month	Actuals Month 6
	£m	£m	£m	£m	£m
Employees	129.443	(0.840)	0.306	(1.146)	79.697
Premises-Related Expenditure	14.431	2.695	1.449	0.846	25.156
Transport-Related Expenditure	1.591	0.073	(0.007)	0.080	1.049
Supplies & Services	64.092	(2.428)	2.858	(5.286)	32.770
Third Party Payments	194.578	9.502	9.287	0.215	86.303
Transfer Payments	172.930	(1.323)	(1.930)	0.607	62.700
Support Services	17.991	7.284	(0.146)	7.430	5.704
Items Excluded from the Cost of Services	(109.419)	(1.384)	(1.177)	(0.207)	(8.723)
Income	(291.904)	(8.482)	(4.853)	(3.629)	(156.503)
Non-Controllable Expenditure	13.879	0.002	0.000	0.002	(105.209)



<b>Total</b>	<b>207.614</b>	<b>5.099</b>	<b>5.787</b>	<b>(1.088)</b>	<b>22.946</b>
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3. Across the Council, inflation is now a significant financial risk. The continuing national economic conditions of high inflation and interest rates present many significant challenges to the Council, increasing costs for delivering services, reducing our income from residents/businesses/visitors, making investment plans more expensive and is increasing the demand for public services. In its Spring Budget of March 2023, the government predicted that inflation, as measured by the Consumer Price Index (CPI) would have fallen to 6.9% by the second quarter, and to 2.9% by the end of the year. CPI inflation measured at the end of August was 6.7% but there are still significant concerns that it is not falling as quickly as it should, and inflationary pressures for food remain stubbornly elevated.
4. The 2023/24 Hammersmith & Fulham budget included a £13.6m provision for inflation. This assumed:
  - Contract inflation of £7.6m (5%) which has been distributed within departmental base budgets.
  - £6m (5%) to fund the 2023/24 pay award. Chief Officer pay award was finalised in June 2023 and the remainder is retained corporately until other pay awards are confirmed.
5. Negotiations on the final pay award for 23/24 continue to take place for many affected staff. Trade Unions have rejected a “full and final pay offer” from national employers of £2,355 for Inner London councils and there is an increased risk of industrial action. If a revised pay offer were to be agreed at a higher value, this would need to be met from contingencies in 2023/24 and factored into the Council’s medium term financial planning.
6. Inflationary pressures are likely to exceed the sums set aside within the budget. The increase in costs does not just affect the General Fund but also the HRA, schools and the capital programme. Pressure on household incomes may also increase demand for Council services, such as homelessness or welfare support, and impact on council income streams (such as Council Tax collection rates).
7. Current interest rates are 5.25% (as of September 2023) and are likely to rise further in the coming months. This may impact both revenue and capital expenditure due to higher costs of borrowing and interest yields on cash balances. Any additional new borrowing that the council undertakes will be subject to the higher rate and this increase in costs will have to be factored into the council’s medium term financial plans.
8. Action is required to monitor and manage the inflationary and departmental risks. An unallocated contingency of £5.7m is held within the 2023/24 budget and will be used as financial mitigations where necessary. Departmental action plans of £1.070m have been identified and if delivered would decrease the overspend to £4.029 (see below).

**Table 3: Summary of net forecast outturn variances after action plans and unallocated contingency**

Department	Forecast Outturn Variance	Potential Value of Action Plan Mitigations	Forecast Outturn Variance after Mitigations
	£m	£m	£m
Social Care	3.848	(0.930)	2.918
Children's Services	2.474	(0.140)	2.334
The Economy Department	1.151	0	1.151
The Environment Department	1.267	0	1.267
Controlled Parking Account	0.593	0	0.593
Corporate Services	0.669	0	0.669
Finance	(0.034)	0	(0.034)
Centrally Managed Budgets	(4.869)	0	(4.869)
<b>Total</b>	<b>5.099</b>	<b>(1.070)</b>	<b>4.029</b>
Balance of the uncommitted unallocated contingency	(5.700)	0	(5.700)
<b>TOTAL</b>	<b>(0.601)</b>	<b>(1.070)</b>	<b>(1.671)</b>

9. The main departmental variances are set out in Appendices 1 to 7. Additional information is provided on the delivery of planned savings and the type of expenditure (such as employees).

### **MTFS SAVINGS MONITORING**

10. The MTFS savings target for 2023/24 is £2.9m. Progress against departmental targets is set out below in Table 4. A detailed schedule of savings is included in Appendix 11.
11. Forecast delivery against targets for the Council-wide employee management saving of £2.5m is set out below in table 5.

**Table 4: MTFs Savings**

Department	Target Savings Delivery	Delivery Risk Rating			Forecast Savings Delivery	Forecast Non-Delivery of Savings
		Low	Medium	High		
	£000's	£000's	£000's	£000's	£000's	£000's
Social Care and Public Health	(1,670)	(970)	(700)	0	(1,670)	0
Children's Services	(700)	(700)	0	0	(700)	0
The Economy	(14)	(14)	0	0	(14)	0
The Environment	(283)	(283)	0	0	(520)	0
Corporate Services	(257)	(164)	(73)	0	(0)	(20)
<b>Total</b>	<b>(2,924)</b>	<b>(2,131)</b>	<b>(773)</b>	<b>0</b>	<b>(2,904)</b>	<b>(20)</b>
<b>Employee Budget Efficiencies (2%)</b>	<b>(2,500)</b>	<b>0</b>	<b>(2,500)</b>	<b>0</b>	<b>(2,500)</b>	<b>0</b>

**Table 5: Employee Management Saving**

Department	Target (£000s)	Forecast delivery (£000s)	Variance (£000's)	Commentary
Social Care	317	317	0	Funded in 23/24 only from the Market Sustainability and Improvement Workforce grant.
Childrens	613	563	(50)	£0.383m of savings are one off for 2023/24 and currently at risk for 2024/25
The Environment	449	0	(449)	Not expected to be delivered due to existing vacancy saving to be delivered first
Parking	201	201	0	
The Economy	340	340	0	
Finance	153	153	0	
Corporate Services	427	427	0	
<b>Total</b>	<b>2,500</b>	<b>2,001</b>	<b>(499)</b>	

## HOUSING REVENUE ACCOUNT

12. The strategic operating environment of the Housing Revenue Account continues to be challenging (as the General Fund) with high inflation and interest rates. There are additional national regulatory building obligations (e.g. damp & mould and disrepair). The overall assessment is that an additional call from reserves will be necessary (for example to undertake additional repairs and the position is summarised in Table 6 below (and detailed in Appendix 8).

**Table 6: Housing Revenue Account forecast outturn**

<b>Housing Revenue Account (General Reserve)</b>	<b>£m</b>
<b>Balance as of 31 March 2023</b>	<b>(10.023)</b>
Less: Budgeted appropriation from balances (base deficit of £1.4m and one-off temporary use of reserves)	3.630
<b>Balance as of 31<sup>st</sup> March 2024</b>	<b>(6.393)</b>

13. The details of the financial performance of the HRA are set out in Appendix 8. It is usual to project emerging pressures at this stage of the financial year and work is in progress to identify mitigations. It is intended that the balances on the HRA will be a minimum of £5m at the end of March 2024. This level of general balances is considered reasonable given the overall levels of income and expenditure on the HRA.
14. The refund of commission received by local authorities from Thames Water and not deducted on the collection of water charges from council tenants has been considered by the Courts in challenges brought by tenants against their local authorities from 2016 to 2020 (Southwark and Kingston). The Courts concluded that local authorities should not recover from the tenants more than what they were charged by Thames Water and any overpayment should be refunded. This Council also received a commission (in line with other local authorities) and is now proposing that these are refunded for the period 2014 to 2020. This is a fair and equitable proposal and will assist tenants in sustaining their tenancies (as rent arrears will be reduced), provide support for household incomes during this cost of living crisis and promote stronger trust in the Council as a landlord. It is also an efficient use of resources and will help to avert potential future costs. It is estimated that this will require funding of £5m and this will be met from provisions previously set aside for this purpose in the HRA.

## DEDICATED SCHOOLS GRANT (DSG)

15. DSG is paid in support of local authority schools' and is the main source of income for the schools' budget. It is split between central expenditure and the individual schools' budget (ISB) in conjunction with the local schools' forum.
16. Funding for the High Needs Block (HNB) continues to be under pressure with the latest forecast set out in Table 7. For 2023/24, a DSG HNB surplus of £0.401m is forecast which will go towards reducing the cumulative deficit, along with safety valve funding of £1.500m. The overall cumulative deficit is forecast to reduce to £2.848m by year end. The additional Government funding forecast is subject to the council managing its DSG recovery plan as part of the grant conditions and close monitoring by the DfE (Department for Education).
17. The council holds earmarked reserves against the cumulative deficit which is released as the deficit is managed down.

**Table 7: Dedicated Schools Grant – High Needs Block deficit**

	£m
<b>Cumulative deficit brought forward</b>	<b>4.749</b>
In-year forecast surplus	(0.401)
Safety valve funding	(1.500)
<b>Cumulative deficit carried forward</b>	<b>2.848</b>

## GENERAL FUND RESERVES

18. A full update on the reserves strategy and action plan will be completed and reported to Political Cabinet in December. The current year forecast overspend will reduce forecast reserves.
19. The current reserves position and forecast balances at year end after commitments is set out below in Table 8.

**Table 8: Reserves Forecast to 31<sup>st</sup> March 2024**

	<b>Opening Balance 31st March 2023</b>	<b>Forecast Movement</b>	<b>Forecast Closing Balance 31st March 2024</b>
<b>Ear Marked Reserves</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Corporate Demands and Pressures	(37.4)	8.2	(29.1)
Insurance Fund	(4.5)	0.0	(4.5)
Inflation Risk	(4.8)	0.0	(4.8)
Civic Campus	(1.4)	1.4	0.0
Digital	(5.9)	3.9	(2.0)
Invest to save	(2.7)	2.6	(0.1)
Parking	(2.8)	2.8	(0.0)
DSG	(15.1)	0.0	(15.1)
Unallocated Contingency	(1.5)	0.7	(0.9)
Pre Development Costs	(5.0)	0.0	(5.0)
Planning Reserve	(1.7)	0.8	(1.0)
Other Service Reserves	(8.9)	4.0	(4.9)
Other Corporate Reserves	(6.7)	2.1	(4.6)
<b>Sub Total General Fund Ear Marked Reserves</b>	<b>(98.3)</b>	<b>26.4</b>	<b>(72.0)</b>
<b>General Balances</b>	<b>(21.3)</b>	<b>0</b>	<b>(21.3)</b>
<b>Total General Fund Reserves</b>	<b>(119.7)</b>	<b>26.4</b>	<b>(93.3)</b>
HRA Reserves and Balances	(21.3)	0.0	(16.3)
Schools Balances	(0.3)	(0.2)	(0.6)
Collection Fund Reserve	(3.4)	0.0	(3.4)
s106 / CIL	(2.2)	2.2	(0.0)
<b>Total</b>	<b>(147.0)</b>	<b>33.4</b>	<b>(113.6)</b>

## **VIREMENT AND WRITE OFF REQUESTS**

20. General Fund virements of £0.061m are proposed as detailed in Appendix 10.

## **REASONS FOR DECISION**

21. To report the revenue expenditure forecast and comply with Financial Regulations.

## **EQUALITIES IMPLICATIONS**

22. As required by Section 149 of the Equality Act 2010, the Council has considered its obligations regarding the Public-Sector Equality Duty and it is not anticipated that there will be any direct negative impact on groups with protected characteristics, as defined by the Act, from the adjustments to the budgets required because of this report.
23. If any such adjustments might lead to a service change and/or changes in staffing structures that could have a negative impact on groups with protected characteristics, then a full Equality Impact Assessment will need to be carried out.

## **RISK MANAGEMENT IMPLICATIONS**

24. The Council has a statutory duty to arrange for the proper administration of its financial affairs and a fiduciary duty to taxpayers with regards to its use of and accounting for public monies. This report assists in the discharge of those duties.
25. The report recognises the significant external pressures which are expected to bear down on the Council's costs during 2023/24, including persistently high levels of inflation and increasing interest rates. Detailed risks are set out for departments in the appendices, and include areas overspends are being caused by increased demand for services (particularly social care) and the prospect that there is further will be further demand going forward, further increasing pressure on budgets. It is recognised that unallocated contingency has been held and will be applied to reduce the potential overspend for the year, however, this is a short-term mitigation only. Directorates and the central Finance team will need to continue to closely monitor expenditure to ensure it remains within budget and that planned savings are delivered in full or implement alternative mitigating actions to address forecast overspends or savings targets which cannot be delivered.
26. The report also recognises the significant pressures facing the HRA, with a significant reduction in the HRA General Reserve being noted for the end of the year. Officers must ensure that costs and income are closely monitored and controlled and that corrective actions to protect and maintain the financial stability of the HRA are agreed and embedded.

*Implications completed by: David Hughes, Director of Audit, Fraud, Risk, and Insurance, 30<sup>th</sup> November 2023*

## List of Appendices:

<b>Appendix</b>	<b>Title</b>
Appendix 1	Social Care
Appendix 2	Children's Services
Appendix 2a	Dedicated Schools Grant (DSG)
Appendix 3	The Economy Department
Appendix 4	The Environment Department
Appendix 4a	Controlled Parking Account
Appendix 5	Corporate Services
Appendix 6	Finance
Appendix 7	Centrally Managed Budgets
Appendix 8	Housing Revenue Account
Appendix 9	Action Plans
Appendix 10	Virement Requests
Appendix 11	MTFS Savings



**APPENDIX 1: SOCIAL CARE  
BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast Variance by Subjective</b>			
<b>Subjective</b>	<b>Budget £000's</b>	<b>Variance Month 6 £000's</b>	<b>Variance Month 4 £000's</b>
Employees	18,100	(298)	(179)
Premises-Related Expenditure	626	209	144
Transport-Related Expenditure	26	0	0
Supplies & Services	2,558	(12)	(12)
Third Party Payments	85,667	4,968	5,673
Transfer Payments	13,244	(1,019)	(173)
Support Services	7,908	0	0
Items Excluded from the Cost of Services	0	0	0
Income	(66,842)	0	(536)
Non-controllable expenditure	5,556	0	0
<b>Total</b>	<b>66,853</b>	<b>3,848</b>	<b>4,917</b>

<b>Table 2 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget</b>	<b>Forecast Variance Month 6</b>	<b>Forecast Variance Month 4</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Independent Living, Quality, Performance & Safeguarding	26,873	1,523	2,600
Specialist Support and Independent Living	27,555	2,671	2,704
Commissioning	6,215	(256)	(297)
Resources	5,758	(12)	(12)
Social Care Directorate	452	(78)	(78)
Public Health	0	0	0
<b>TOTAL</b>	<b>66,853</b>	<b>4,917</b>	<b>4,917</b>

<b>Table 3 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>Independent Living, Quality, Performance &amp; Safeguarding</b>		
<p>The main reasons for the improvement of (£1.077m) in the forecast is the management actions implemented with a review of Direct Payment care packages and the review of Continuing Health criteria resulting in expenditure reductions of (£0.499m). Secondly the recently announced of the Market Sustainability and Improvement workforce where costs have been allocated to this grant to support winter planning of the service of (£0.578m).</p> <p>Despite the improvement in the forecast this Division remains with a revised overspend due to: the full year net effect of 77 new residents with Home Care packages costing £1.562m.</p> <ul style="list-style-type: none"> <li>•A projected overspend of £0.639m in nursing and residential placements are due to increasing unit costs of 10.8% since last year and 4 additional new placements.</li> <li>•Adult Supported Living services forecasting overspend of £0.277m due to combination of 3 new placements and increasing unit costs.</li> </ul> <p>There are forecast underspends across the rest of the service of (£0.735m) in the direct payment service due to a reduction in residents' numbers and a review of packages and an underspend of (£0.220m) in staffing.</p> <p>There is a significant risk of more residents yet to be assessed and transferring to Social Care. Mitigation plans are in place to partly address this overspend.</p>	1,523	2,600
<b>Independent Living, Quality, Performance &amp; Safeguarding Total</b>	<b>1,523</b>	<b>2,600</b>
<b>Specialist Support and Independent Living</b>		
<p>The main pressures remain in Learning Disability (LD) services is due to a full year cost effect of new or returning residents commencing from 2022-23 and higher market costs.</p> <p>The projected overspend comprises of:</p> <ul style="list-style-type: none"> <li>- £1.342m for Adult Supported Living with 11 new residents since 2022/23 and average costs increases of 18% over the last year.</li> <li>- £0.609m for Homecare.</li> <li>- £0.223m for Direct Payments and Day Care due to 3 new transitions residents.</li> <li>- An increase in rent and service charges for the Parkview centre of £0.209m.</li> <li>- Following a contractual review of the Individual Service Fund (ISF) there are proposed contractual reductions of (£0.507m).</li> </ul> <p>Further mitigation plans are in place to partly address the LD</p>	2,671	2,704

overspend.		
The Mental Health service is forecasting an overspend as detailed below: - £0.464m for Adult Supported Living due to unit cost increases of 13% for new residents. - £0.226m for Home Care due to the full year cost effect of new residents entering the service in 2022/23. - £0.105m for overspends in nursing and residential placements with 6 new jointly funded placements		
<b>Specialist Support and Independent Living Total</b>	<b>2,671</b>	<b>2,704</b>
<b>Commissioning</b>		
A projected underspend on a range of Commissioned variable contracts in supporting people and carers services (£0.078m), Meals reduced volumes (£0.058m) and within the third sector community programme (£0.120m).	(256)	(297)
<b>Commissioning Total</b>	<b>(256)</b>	<b>(297)</b>
<b>Resources</b>		
Minor underspend variance	(12)	(12)
<b>Resources Total</b>	<b>(12)</b>	<b>(12)</b>
<b>Social Care Directorate</b>		
Projected underspend due to vacancies held across the service recently recruited to.	(78)	(78)
<b>Social Care Directorate Total</b>	<b>(78)</b>	<b>(78)</b>
<b>Public Health</b>		<b>0</b>
The PH grant will continue to be subject to conditions, including a ring-fenced requiring LAs to use the grant for Public Health activity only. The PH grant for 2023/24 is £24.016m (an increase of £0.759m from 22/23) and equates to £124.3 per head of population. The additional grant is to meet agenda for change responsibilities and the programme is fully committed.	0	0
<b>Public Health Total</b>	<b>0</b>	<b>0</b>
<b>TOTAL VARIANCE</b>	<b>3,848</b>	<b>4,917</b>

<b>Table 5 - Key Risks - Detail Items Over £250,000</b>		
<b>Risk Description</b>	<b>Risk At Month 6 £000</b>	<b>Risk At Month 4 £000</b>

LD services - There are 5 health funded residents no longer eligible for continuing health care. The service are discussing with Health partners on the assessment. LD Transitions – 14 residents currently in Children’s Services and awaiting Care Act assessment.	292	380
Market pressures: 1) NRS Equipment provider (additional financial support requested) 2. Increase in Parkview rent and service charges by the landlord for 2023/24 from £0.517m to £0.806m. The April to December increase is included in the variance analysis. Charges related to the January to March period are included as a risk whilst the service are reviewing options.	274	144
<b>TOTAL RISKS MANAGED</b>	<b>564</b>	<b>524</b>

<b>Supplementary Monitoring Information</b>
<p>The month 6 forecast remains caveated with risks and cost pressures. These include:</p> <ul style="list-style-type: none"> <li>- The continued impact of the hospital discharges placed by NHS and requiring reassessment of care is increasing social care costs.</li> <li>- The continued impact of cost of living pressures on the care market providers. As part of the Social Care reforms for the fair cost of care, the department is paying higher unit costs to reflect the cost of provision.</li> <li>- The delivery of the budgeted 2023/24 savings of (£1.67m).</li> </ul> <p>The departmental forecast assumes full expenditure of the Discharge Support grant of £2.352m. This funding is ringfenced and covers post hospital discharge care costs on average for 20 days. However, most care assessed needs are much longer therefore this arises to an additional budgetary pressure to the council.</p> <p>Mitigation plans are in place to partly address this overspend.</p>

**APPENDIX 2: CHILDREN'S SERVICES  
BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast variance by subjective</b>			
<b>Subjective</b>	<b>Revised budget £000</b>	<b>Variance month 6 £000</b>	<b>Variance month 4 £000</b>
Employees	29,615	(22)	443
Premises-related expenditure	534	57	57
Transport-related expenditure	163	(36)	(55)
Supplies & services	5,622	493	(101)
Third party payments	57,407	3,605	4,369
Transfer payments (e.g. housing benefits, schools funding transfers)	69,547	(304)	(1,757)
Support services (internal trading services)	1,633	(1)	(152)
Income	(115,349)	(1,318)	(1,130)
Items excluded from the cost of services (debt management and capital charges)	0	0	0
Non-controllable expenditure (technical accounting adjustments e.g. overhead redistribution)	8,823	0	0
<b>Total</b>	<b>57,995</b>	<b>2,474</b>	<b>1,678</b>

<b>Table 2 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget</b>	<b>Forecast Variance Month 6</b>	<b>Forecast Variance Month 4</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Children and Young People's Services	32,315	912	571
Education	14,876	1,409	886
Children's Commissioning	6,618	(331)	(179)
Children's Performance & Improvement	2,881	(198)	(209)
CHS Departmental Budgets	1,305	682	609
School Funding	0	0	0
<b>Total</b>	<b>57,995</b>	<b>2,474</b>	<b>1,678</b>

<b>Table 3 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>Children and Young People's Services</b>		
<p><b><u>Placements &amp; Client related</u></b> Placements - £0.708m overspend</p> <p><b><u>Non placement client related £0.423m overspend</u></b> Transport - £0.350m Section 17 and Section 23 - £0.142m This is partly offset by £0.100m income from the Household support fund.</p> <p><b><u>Assessments</u></b> - £0.230m overspend. During Covid there was a decrease in use of service resulting in underspends. Post covid, the demand for the service has gradually increased.</p> <p><b><u>Staffing</u></b> £0.384m underspend which mitigates the adverse variance of the departmental vacancy target.</p>	912	571
<b>Children and Young People's Services Total</b>	<b>912</b>	<b>571</b>
<b>Education</b>		
<p>The Education Directorate General fund forecast overspend is £1.409m, a movement of £0.528m since CRM4.</p> <p>Travel Care and Support Services: There is an overspend of £1.209m in Travel Care and Support for Children and Young with Education and Health Care Plans. This is a movement of £0.179m since CRM4. The overspend can be split to show demand led pressure is £0.9m and unavoidable inflation in excess of 5% is £0.3m.</p> <p>Disabled and Children's Team: Client transport costs in the Short Breaks service is a £0.096m overspend. This is primarily because of an increase in transport cost and specifically the use of escorts. The Placements overspend is £0.024m.</p> <p>EHC (Education Health Care Planning) Caseworkers Service: The predicted overspend is £0.185m, an adverse movement of £0.168m since CRM4. This is primarily due to an increase in employee costs. This is due to an increased usage of agency staff to cover vacancies to deliver statutory duties.</p>	1,409	886

<b>Education Total</b>	<b>1,409</b>	<b>886</b>
<b>Children's Commissioning</b>		
CHS commissioning staff - £0.099m favourable due to in year vacancies. Early Intervention Services – £0.201m underspend on projects.	(331)	(179)
<b>Children's Commissioning Total</b>	<b>(331)</b>	<b>(179)</b>
<b>Children's Performance &amp; Improvement</b>		
£0.198m favourable variance due to part year vacancies for posts being recruited.	(198)	(209)
<b>Children's Performance &amp; Improvement Total</b>	<b>(198)</b>	<b>(209)</b>
<b>CHS Departmental Budgets</b>		
Vacancy factor – £0.613m has been loaded here to be mitigated by departmental staffing budgets as mentioned above. Of this overspend £0.613m relates to the gross vacancy factor target for the department staffing underspends across the services are mitigating this target.	682	609
<b>CHS Departmental Budgets Total</b>	<b>682</b>	<b>609</b>
<b>School Funding</b>		
	0	0
<b>School Funding Total</b>	<b>0</b>	<b>0</b>
<b>Total Variance</b>	<b>2,474</b>	<b>1,678</b>

<b>Table 3 - Key Risks - Detail Items Over £250,000</b>		
<b>Risk Description</b>	<b>Risk At Month 6 £000</b>	<b>Risk At Month 4 £000</b>
	0	0
<b>Total Risks Managed</b>	<b>0</b>	<b>0</b>

<b>Supplementary Monitoring Information</b>



**APPENDIX 2a: DEDICATED SCHOOLS GRANT (DSG)  
BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget</b>	<b>Forecast Variance Month 6</b>	<b>Forecast Variance Month 4</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
High Needs Block Expenditure	32,813	(401)	(401)
Early Years Block Expenditure	15,475	74	0
Schools Block Expenditure	38,405	(13)	0
Central School Services Block Expenditure	2,422	0	0
DSG Income	(89,115)	340	401
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Table 2 High Needs Block (HNB) Deficit</b>	<b>£000</b>
<b>High Needs Block DSG deficit brought forward from prior years</b>	<b>4,749</b>
In-year HNB forecast surplus	(401)
2022-23 HNB Safety Valve funding (to be confirmed)	(1,500)
<b>Forecast High Needs deficit after Safety Valve funding</b>	<b>2,848</b>

<b>Table 3 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>High Needs Block</b> ( <i>High Needs funding supports provision for children and young people with special educational needs from their early years to age 25 and in addition the Alternative Provision</i> )		
Forecast underspend on the high needs block after block transfer support is £0.4m favourable. A further £1.5m High Needs Safety Valve Funding for 2023/24 is profiled.		
There is significant risk to the expenditure forecast from continuing inflationary pressures in the economy which are impacting on the cost of Special Educational Needs placements.	(401)	(401)
<b>High Needs Block Total</b>	<b>(401)</b>	<b>(401)</b>
<b>Early Years Block</b> ( <i>Funding for Early Years including Two Year Old funding and Early Years Pupil Premium</i> )		
Early Years Dedicated Schools Grant 2022/23 was subject to retrospective clawback in 2023/24 of £0.74m more than retained Early Years balance. An overspend will result unless the cost of activity in 2023/24 can be mitigated.	74	0
<b>Early Years Block Total</b>	<b>74</b>	<b>0</b>
<b>Schools Block</b> ( <i>Core funding for mainstream maintained schools</i> )		

<p>The Schools Block DSG accounted for by the Local Authority relates to the delegated budgets for maintained mainstream schools.</p> <p>Schools can elect that a proportion of their funding is delegated back to the local authority for day to day management. Use of funds are monitored by schools via The Schools Forum. All grant is expected to be expended in 2023/24 financial year including retained balances of £0.315m held from 2022/23 financial year on behalf of schools.</p> <p>There is a top slice of £0.262m in 2023/24 to contribute to the statutory functions undertaken by the local authority on behalf of schools. This includes finance, asset management, asbestos management and surveys and statutory functions provided by Business Intelligence.</p>	(13)	0
<b>Schools Block Total</b>	<b>(13)</b>	<b>0</b>
<b>Central School Services Block</b> ( <i>Funding for the Local Authorities ongoing responsibilities</i> )		
Central Services Block funds core services undertaken for all schools. In addition, there is some budget for historic functions that is winding down over the medium term. For 2023/24 there is £0.908m budgeted contribution to support the High Needs Block from the historic funding element.	0	0
<b>Central School Services Block Total</b>	<b>0</b>	<b>0</b>
<b>TOTAL VARIANCE</b>	<b>(340)</b>	<b>401</b>

<b>Table 4 - Key Risks - Detail Items Over £250,000</b>		
<b>Risk Description</b>	<b>Risk At Month 6 £000</b>	<b>Risk At Month 4 £000</b>
<p>Key risk is with respect to inflationary cost pressures and demand with respect to Education and Healthcare Plans for young people with special educational needs. This will be monitored closely through 2023/24.</p> <p>The final £3m funding through the Safety Valve agreement to 2024/25 requires the elimination of the High Needs deficit by 2025/26.</p>		

<b>Supplementary Monitoring Information</b>
None to report

**APPENDIX 3: THE ECONOMY DEPARTMENT**  
**BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast Variance by Subjective</b>			
<b>Subjective</b>	<b>Budget £000's</b>	<b>Variance Month 6 £000's</b>	<b>Variance Month 4 £000's</b>
Employees	19,292	164	(28)
Premises-Related Expenditure	5,601	2,039	743
Transport-Related Expenditure	10	(0)	(0)
Supplies & Services	3,827	604	467
Third Party Payments	25,029	1,568	373
Transfer Payments	98	0	0
Support Services	301	30	21
Items Excluded from the Cost of Services	0	0	0
Income	(37,029)	(3,255)	(375)
Non-Controllable Expenditure	(6,073)	2	0
<b>Total</b>	<b>11,056</b>	<b>1,151</b>	<b>1,201</b>

<b>Table 2 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget</b>	<b>Forecast Variance Month 6</b>	<b>Forecast Variance Month 4</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Housing Solutions	10,648	443	445
Economic Development, Skills Service	775	0	0
Planning	1,876	564	641
Property and Asset Strategy	(2,424)	151	121
Place	53	0	0
Regeneration & Development	111	(7)	(6)
Head of Finance	16	0	0
<b>TOTAL</b>	<b>11,056</b>	<b>1,151</b>	<b>1,201</b>

<b>Table 3 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>Housing Solutions</b>		
<b>Bed and Breakfast</b> - The latest forecast is for 158 clients (compared to a budget for 115) of whom 60 are placed into B&B annexes (at end of July 2023) is resulting in a forecast overspend of £1,122,000. A forecast overspend of £291,000 is mainly due to the placement of a small number of clients into commercial hotels. In addition, out of hours (OOH) placements and pre-booked accommodation numbers have been higher than planned (from a budget of 6 to an actual of 17 per day on average to the end of June), resulting in a forecast overspend of £187,000.	1,600	548
<b>Private Sector Leasing</b> - The forecasted average number of Private Sector Leasing units (1,022) is greater than the budgeted number (1,020), an underspend is forecast due to the lower than expected costs of accommodation.	(68)	(100)
Additional one-off top up of <b>Homelessness Prevention Grant</b>	(1,089)	0
<b>Housing Solutions Total</b>	<b>443</b>	<b>448</b>
<b>Planning</b>		
<b>Planning</b> - As explained in the Risks section, income from applications and pre-applications has fluctuated in recent years. The latest activity indicates that this risk is crystallising and the division is currently predicting an income shortfall of £587,000, offset by other minor favourable variances.	564	641
<b>Planning Total</b>	<b>564</b>	<b>641</b>
<b>Property &amp; Asset Strategy</b>		
Relates to lower than budgeted income from corporate buildings and property repairs costs.	151	121
<b>Property Total</b>	<b>151</b>	<b>121</b>
<b>TOTAL VARIANCE</b>	<b>1,151</b>	<b>1,204</b>

<b>Table 5 - Key Risks - Detail Items Over £250,000</b>		
<b>Risk Description</b>	<b>Risk At Month 6 £000</b>	<b>Risk At Month 4 £000</b>
<b>Housing Solutions</b> - Overall Benefit Cap (OBC) & DHP	52	69
<b>Housing Solutions</b> - Cost of Living Crisis and Ending of eviction ban - an increase in court proceedings against tenants may result in an increased net cost due to an increase in households in temporary accommodation.	111	147
<b>Housing Solutions</b> - Increase in bad debt provision on Temporary Accommodation (Bed & Breakfast and Private Sector Leasing) rent arrears because of reductions in personal income due to Cost of Living Crisis	142	189
<b>Housing Solutions</b> - There is a risk of a further increase in the number of households in Temporary Accommodation - based on an additional 100 households this year above the current forecast	292	389
<b>Housing Solutions</b> - Inflationary pressures on Temporary Accommodation landlord costs, based on an extra 1.5% rental inflation above the current forecast	145	193
<b>Housing Solutions</b> - There is a risk of large families being accommodated in B&B	70	93
<b>Housing Solutions</b> - Domestic Abuse Act - increase in households in temporary accommodation - extra 70 households this year above the current forecast	204	272
<b>Planning</b> - income from Planning applications and pre-applications in recent years has fluctuated, and may be as low as £1.4m	150	250
<b>Planning</b> - Based on previous year outcome, there is a risk that income from Licencing Fees may drop	20	50
<b>Planning</b> - potential unbudgeted costs associated with judicial reviews and major planning appeals.	200	200
<b>Facilities Management &amp; Corporate Buildings</b> - there are risks relating to repairs and maintenance costs, energy prices and historic debts.	415	415
<b>TOTAL RISKS MANAGED</b>	<b>1,801</b>	<b>2,267</b>

**Table 6 - Supplementary Monitoring Information**

**Housing Solutions** In August 2023, we saw 260 homelessness approaches, with 87 new homelessness applications made.

In September 2023, we saw 343 homelessness approaches, with 81 new homelessness applications made.

Compared to the previous year, in August we saw a 21% increase in homelessness approaches and in September we saw a 54% increase.

Increasing mortgage interest rates mean many households on lower-incomes are now priced out of the market. Increased costs of living are also affecting abilities to pay rent. Changes to eviction rules regarding 'no fault evictions' has caused some landlords to leave the market altogether.

An increase in homelessness as Homes for Ukraine sponsorship placements and initial accommodation arrangements made by Ukrainians arriving on the family visa scheme break down continues to be a risk. Sustained difficulty procuring private rented is impacting our ability to prevent and relieve homelessness. Fewer private rented properties are affordable to households on benefits.

**Planning** income in recent years has fluctuated between £2.2m (2020/21), £3.1m (2021/22), £3.1m in (2022/23) and is currently budgeted to reach £3.7m in 2023/24. Based on current trend, there is a risk that that Planning income may reach only £3.1m in 2023/24. This will continue to be monitored and updates will be reported here. The inherent volatility of planning income means it is difficult to predict future income expectations due to several factors including:

- Possible further Planning reforms
- Ukraine war, inflation and recession impact on wider economy and on delays in construction projects)
- Potential developer response to wider stakeholder engagement rationalising or delaying projects
- Changes to the statutory charging schedule
- Economic factors such as the concerns about economic recession on developer/investor confidence and planning activity
- Changes in legislation e.g. permitted development rights, Planning Performance Agreement regulation
- Changes to pre-application charging fees and Planning Performance Agreement templates
- Local and wider market conditions
- Availability of development sites in the borough
- Developers by-passing the pre-application process as it is not compulsory
- Reduced developer confidence in the service through reduced staffing - may be less likely to fund Planning Performance Agreements
- Government schemes to encourage house building, including grant schemes
- Developers' responding to current and pipeline housing supply in borough (they don't want to flood the local market)
- Adverse weather conditions, and delays in supply chains, delaying construction pipeline

**APPENDIX 4: THE ENVIRONMENT DEPARTMENT  
BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast variance by subjective</b>			
<b>Subjective</b>	<b>Revised budget</b>	<b>Variance Month 6</b>	<b>Variance month 4</b>
	<b>£000</b>		<b>£000</b>
Employees	22,511	(568)	(363)
Premises-related expenditure	4,544	221	346
Transport-Related expenditure	1,224	108	45
Supplies & services	17,662	1,263	645
Third party payments	13,175	932	237
Transfer payments	116	0	0
Support Services	6,871	20	17
Items excluded from the Cost of Services	833	(30)	(30)
Income	(23,460)	(679)	192
Non-controllable expenditure	18,274	0	0
<b>Total</b>	<b>61,748</b>	<b>1,267</b>	<b>1,088</b>

<b>Table 2 - Variance by departmental division</b>			
<b>Departmental division</b>	<b>Revised budget</b>	<b>Forecast variance month 6</b>	<b>Forecast variance month 4</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Climate Change and Transport	1,557	4	(14)
Public Protection	9,107	616	220
Public Realm	51,060	658	882
Executive and Support	24	(11)	0
<b>Revised Variance</b>	<b>61,748</b>	<b>1,267</b>	<b>1,088</b>

<b>Table 3 - Variance analysis</b>		
<b>Departmental division</b>	<b>Month 6 £'000</b>	<b>Month 4 £'000</b>
<b>Climate Change and Transport</b>		
Other net variances	4	(14)
<b>Climate Change and Transport Total</b>	<b>4</b>	<b>(14)</b>
<b>Public Protection</b>		
Private Sector Housing historic budget shortfall	501	314
CCTV historic budget shortfall on 24/27 staffing rota	128	0
Other net variances	(13)	(94)
<b>Public Protection Total</b>	<b>616</b>	<b>220</b>
<b>Public Realm</b>		

Street Lighting energy overspend	267	216
Waste Contract budget pressure, mostly related to fuel costs	418	475
Other net variances	(27)	191
<b>Public Realm Total</b>	<b>658</b>	<b>882</b>
<b>Executive &amp; Support</b>		
Other net variances	(11)	(14)
<b>Executive &amp; Support Total</b>	<b>(11)</b>	<b>(14)</b>
<b>TOTAL VARIANCE</b>	<b>1,267</b>	<b>1,088</b>

<b>Table 4 - Key risks - detail items over £250,000</b>		
<b>Risk Description</b>	<b>Risk at month 6 £000</b>	<b>Risk at month 4 £000</b>
Workforce vacancy savings not delivered	450	450
Income targets not met	250	250
Highway project recharges less than budget	700	700
New contract pension risk	600	0
<b>TOTAL RISKS BEING MANAGED</b>	<b>2,000</b>	<b>1,400</b>

<b>Supplementary Monitoring Information</b>
The department continues to maximise external income and manage and mitigate risk as far as possible, with the aim of delivering an outturn within budget. The new workforce savings will be challenging to deliver in full and may require alternative mitigation in year. This will be kept under close review as the year progresses.



**APPENDIX 4A: CONTROLLED PARKING ACCOUNT  
BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast variance by subjective</b>			
<b>Subjective</b>	<b>Revised budget</b>	<b>Variance Month 6</b>	<b>Variance month 4</b>
	<b>£0</b>	<b>£0</b>	<b>£0</b>
Employees	8,663	(242)	(70)
Premises-related expenditure	92	0	0
Transport-related expenditure	143	0	0
Supplies & services	3,179	611	327
Third Party payments	6,183	(930)	(751)
Transfer payments	0	0	0
Support services	232	0	0
Items excluded from the Cost of Services	0	0	0
Income	(52,946)	1,154	1,731
Non-controllable expenditure	2,301	0	0
<b>Total</b>	<b>(32,153)</b>	<b>593</b>	<b>1,237</b>

<b>Table 2 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget</b>	<b>Forecast Variance Month 6</b>	<b>Forecast Variance Month 4</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Controlled parking income	(52,946)	1,154	1,731
Controlled Parking Account expenditure	20,793	(561)	(494)
<b>TOTAL</b>	<b>(32,153)</b>	<b>593</b>	<b>1,237</b>

<b>Table 3 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>Controlled Parking Income</b>		
Impact of the closure of Wandsworth Bridge from end of July until end of September	1,154	1,731
<b>Controlled Parking Income Total</b>	<b>1,154</b>	<b>1,731</b>
<b>Controlled Parking Expenditure</b>		
Underspend on project expenditure due to delayed implementations.	(561)	(494)
<b>Controlled Parking Expenditure Total</b>	<b>(561)</b>	<b>(494)</b>
<b>TOTAL VARIANCE</b>	<b>593</b>	<b>1,237</b>

<b>Table 4 - Key Risks - Detail Items Over £250,000</b>
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Risk Description	Risk At Month 6 £000	Risk At Month 4 £000
<b>TOTAL RISKS MANAGED</b>	<b>0</b>	<b>0</b>

<b>Supplementary Monitoring Information</b>
None to report

**APPENDIX 5: CORPORATE SERVICES**  
**BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast variance by subjective</b>			
<b>Subjective</b>	<b>Revised budget £000</b>	<b>Variance month 6 £000</b>	<b>Variance month 4 £000</b>
Employees	21,992	590	856
Premises-Related Expenditure	238	33	23
Transport-Related Expenditure	4	2	0
Supplies & Services	10,678	1,047	636
Third Party Payments	6,748	(639)	(610)
Transfer Payments	0	0	0
Support Services	95	(39)	(34)
Items Excluded from the Cost of Services	6	(0)	(0)
Income	(8,431)	(326)	(385)
Non-Controllable Expenditure	(13,846)	(0)	0
<b>Total</b>	<b>17,484</b>	<b>669</b>	<b>488</b>

<b>Table 2 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget</b>	<b>Forecast Variance Month 6</b>	<b>Forecast Variance Month 4</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Communications and Communities	927	46	99
Democratic Services, Coroners & Mortuaries	2,680	(91)	(48)
Digital Services	13,000	151	(1)
Legal Services	(203)	(59)	(79)
Members Support	353	10	18
Resident Services	12,245	274	147
Corporate Services Directorate	(95)	337	351
Transformation, Talent, and Inclusion	2,423	(0)	(0)
<b>Sub-Total</b>	<b>31,330</b>	<b>669</b>	<b>488</b>
Departmental non-controllable budgets	(13,846)	0	0
<b>Total</b>	<b>17,484</b>	<b>669</b>	<b>488</b>

<b>Table 3 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>Communications and Communities</b>		
Forecast for unfunded project work in line with 2022/23 outturn.	46	99
<b>Communications and Communities Total</b>	<b>46</b>	<b>99</b>
<b>Democratic Services, Coroners &amp; Mortuaries</b>		
The Mortuary underspend of £0.080m relating to staffing vacancies, reported in CRM 2, is now offset by unbudgeted costs for the purchase and maintenance of mortuary equipment.	(91)	(48)
<b>Democratic Services, Coroners &amp; Mortuaries Total</b>	<b>(91)</b>	<b>(48)</b>
<b>Digital Services</b>		
Overspend due to Office 365 licence cost increase following contract renewal.	151	(1)
<b>Digital Services Total</b>	<b>151</b>	<b>(1)</b>
<b>Legal Services</b>		
Additional staff costs offset by additional cost recharges.	(59)	(79)
<b>Legal Services Total</b>	<b>(59)</b>	<b>(79)</b>
<b>Members Support</b>		
	10	18
<b>Members Support Total</b>	<b>10</b>	<b>18</b>
<b>Resident Services</b>		
Business Rates and Council Tax enforcement income shortfall	295	347
Postage and delivery costs increase due to additional recovery action	126	0
Accessible Transport underspend due to temporary reduction in passenger numbers	(638)	(587)
Share of new workforce saving not yet delivered	227	213
Delay on customer services savings delivery due to increased demand on the service	115	84
Other smaller net overspends	149	90
<b>Resident Services Total</b>	<b>274</b>	<b>147</b>
<b>Corporate Services Directorate</b>		

Includes the department's share of the 2023/24 workforce saving (£0.302m - excluding the Resident Services element). The overspend is partly netted off by underspends from vacancies held and recorded across the department.	337	351
<b>Corporate Services Directorate Total</b>	<b>337</b>	<b>351</b>
<b>Transformation, Talent and Inclusion</b>		
	0	0
<b>Transformation, Talent and Inclusion Total</b>	<b>0</b>	<b>0</b>
<b>Total variance</b>	<b>668</b>	<b>488</b>

<b>Table 4 - Key Risks - Detail Items Over £250,000</b>		
<b>Risk Description</b>	<b>Risk At Month 6 £000</b>	<b>Risk At Month 4 £000</b>
Business Rates and Council Tax enforcement income not achieved as forecast	150	150
<b>Total Risks Managed</b>	<b>150</b>	<b>150</b>

<b>Supplementary Monitoring Information</b>
None to report

**APPENDIX 6: FINANCE**  
**BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast variance by subjective</b>			
<b>Subjective</b>	<b>Revised budget £000</b>	<b>Variance month 6 £000</b>	<b>Variance month 4 £000</b>
Employees	8,268	(434)	(426)
Premises-Related Expenditure	0	0	0
Transport-Related Expenditure	1	(1)	(1)
Supplies & Services	2,590	181	176
Third Party Payments	241	(1)	(0)
Transfer Payments	0	0	0
Support Services	31	2	2
Items Excluded from the Cost of Services	0	0	0
Income	(4,091)	219	173
Non-Controllable Expenditure	(5,421)	(0)	(0)
<b>Total</b>	<b>1,618</b>	<b>(34)</b>	<b>(76)</b>

<b>Table 2 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget £000</b>	<b>Forecast Variance Month 6 £000</b>	<b>Forecast Variance Month 4 £000</b>
Assurance, Programmes & Analytics	1,483	(124)	(80)
Audit, Fraud, Risk and Insurance	1,101	(42)	(26)
Corporate Services	503	116	104
Finance	3,521	25	(3)
Managed Services	2,132	107	107
Corporate Procurement	625	(41)	(104)
Commercial Advertising	(2,325)	(74)	(74)
<b>Sub-Total</b>	<b>7,040</b>	<b>(34)</b>	<b>(76)</b>
Departmental non-controllable budgets	(5,421)	(0)	(0)
<b>Total</b>	<b>1,618</b>	<b>(34)</b>	<b>(76)</b>

<b>Table 3 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>Assurance, Programmes &amp; Analytics</b>		
Staffing underspend from part year vacancies as recruitment takes place.	(124)	(80)
<b>Assurance, Programmes &amp; Analytics Total</b>	<b>(124)</b>	<b>(80)</b>
<b>Audit, Fraud, Risk and Insurance</b>		
Minor staffing underspends.	(42)	(26)
<b>Audit, Fraud, Risk and Insurance Total</b>	<b>(42)</b>	<b>(26)</b>
<b>Corporate Services</b>		
Employee turnover saving of £0.152m reported here but fully offset by staffing underspends from vacant posts across the department.	116	104
<b>Corporate Services Total</b>	<b>116</b>	<b>104</b>
<b>Finance</b>		
	25	(3)
<b>Finance Total</b>	<b>25</b>	<b>(3)</b>
<b>Managed Services</b>		
Overspend forecast in anticipation of the 2023-24 pay award increasing the Council's share of costs beyond the current budget provision.	107	107
<b>Managed Services Total</b>	<b>107</b>	<b>107</b>
<b>Corporate Procurement</b>		
Staffing underspend from vacant posts whilst recruitment takes place.	(41)	(104)
<b>Corporate Procurement Total</b>	<b>(41)</b>	<b>(104)</b>
<b>Commercial Advertising</b>		
	(74)	(74)
<b>Commercial Advertising Total</b>	<b>(74)</b>	<b>(74)</b>
<b>Total Variance</b>	<b>(34)</b>	<b>(76)</b>

**Table 4 - Key Risks - Detail Items Over £250,000**

Risk Description	Risk At Month 6 £000	Risk At Month 4 £000
None to report		
<b>Total Risks Managed</b>	<b>0</b>	<b>0</b>

<b>Supplementary Monitoring Information</b>
None to report



**APPENDIX 7: CENTRALLY MANAGED BUDGETS**  
**BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast variance by CIPFA Subjective</b>			
<b>Subjective</b>	<b>Revised budget £000</b>	<b>Variance month 6 £000</b>	<b>Variance month 4 £000</b>
Employees	1,002	(30)	68
Premises-Related Expenditure	2,795	136	136
Transport-Related Expenditure	21	0	0
Supplies & Services	17,979	(6,616)	720
Third Party Payments	118	(0)	(0)
Transfer Payments	89,925	0	0
Support Services	921	7,272	0
Items Excluded from the Cost of Services	5,091	(36)	(17)
Income	(99,105)	(5,596)	(5,653)
Non-Controllable Expenditure	4,265	0	0
<b>Total</b>	<b>23,013</b>	<b>(4,869)</b>	<b>(4,746)</b>

<b>Table 2 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget</b>	<b>Forecast Variance Month 6</b>	<b>Forecast Variance Month 4</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Corporate and Democratic Core	2,346	(53)	(53)
Housing Benefits	(328)	0	0
Levies	2,048	(36)	(48)
Net Cost of Borrowing	(345)	(5,000)	(5,000)
Treasury, Pensions and Insurance	2,165	258	354
Maternity and Redundancy	1,013	(0)	(0)
Other Corporate Items	16,112	(39)	0
<b>Total</b>	<b>23,013</b>	<b>(4,869)</b>	<b>(4,746)</b>

<b>Table 3 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>Corporate and Democratic Core</b>		
£0.252m overspend from audit fees increase, partly offset by bank charges underspend.	(53)	(53)
<b>Corporate and Democratic Core Total</b>	<b>(53)</b>	<b>(53)</b>
<b>Housing Benefits</b>		
	0	0
<b>Housing Benefits Total</b>	<b>0</b>	<b>0</b>
<b>Levies</b>		
Minor variance on expected levy costs	(36)	(48)
<b>Levies Total</b>	<b>(36)</b>	<b>(48)</b>
<b>Net Cost of Borrowing</b>		
Forecast interest return from cash balances. This remains highly volatile and subject to external market conditions and internal cashflow assumptions.	(5,000)	(5000)
<b>Net Cost of Borrowing Total</b>	<b>(5,000)</b>	<b>(5000)</b>
<b>Treasury, Pensions and Insurance</b>		
	258	345
<b>Treasury, Pensions and Insurance Total</b>	<b>258</b>	<b>345</b>
<b>Maternity and Redundancy Items</b>		
	(0)	(0)
<b>Maternity and Redundancy Total</b>	<b>0</b>	<b>0</b>
<b>Other Corporate Items</b>		
Small underspends across the service	(39)	0
<b>Other Corporate Items Total</b>	<b>(39)</b>	<b>0</b>
<b>Total Variance</b>	<b>(4,869)</b>	<b>(4,746)</b>

<b>Table 4 - Key Risks - Detail Items Over £250,000</b>		
<b>Risk Description</b>	<b>Risk At Month 6 £000</b>	<b>Risk At Month 4 £000</b>
None to report	0	0
<b>Total Risks Managed</b>	<b>0</b>	<b>0</b>

<b>Supplementary Monitoring Information</b>
None to report

**APPENDIX 8: HOUSING REVENUE ACCOUNT**  
**BUDGET REVENUE MONITORING MONTH 6**

<b>Table 1 - Forecast variance by subjective</b>			
<b>Subjective</b>	<b>Revised budget £000</b>	<b>Variance month 6 £000</b>	<b>Variance month 4 £000</b>
Income	(97,147)	(326)	400
Premises-Related Expenditure	25,631	(969)	880
Employees	22,310	2,106	2,678
Supplies & Services	13,296	2,897	585
Support services (internal trading services)	1,577	369	0
Third Party Payments	2,237	(3)	434
Transport-Related Expenditure	28	257	0
Items excluded from the cost of services (debt management and capital charges)	11,499	(170)	(125)
Non-controllable expenditure (technical accounting adjustments e.g. overhead redistribution)	24,199	(214)	(214)
<b>Appropriation From HRA General Reserve</b>	<b>3,630</b>	<b>3,948</b>	<b>4,638</b>

<b>Table 2 - Variance by Departmental Division</b>			
<b>Departmental Division</b>	<b>Revised Budget</b>	<b>Forecast Variance Month 6</b>	<b>Forecast Variance Month 4</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Housing Income	(94,424)	(293)	275
Finance & Resources	11,368	(8)	210
Housing Management	7,565	987	385
Resident and Building Safety	10,040	(597)	0
Void & Repairs	12,616	1,473	1,716
H&F maintenance (DLO)	3,542	1,788	2,361
Safer Neighbourhoods	749	0	0
Housing Hub	6,252	1,103	0
Place	8,349	199	206
Regeneration & Development	1,165	(321)	(300)
Capital Charges	29,159	(383)	(214)
Corporate Support Service Recharges	7,220	0	0
<b>Appropriation From HRA General Reserve</b>	<b>3,630</b>	<b>3,948</b>	<b>4,639</b>

<b>Table 2 - Variance Analysis</b>		
<b>Departmental Division</b>	<b>Month 6 £000</b>	<b>Month 4 £000</b>
<b>Housing Income</b>		
A forecast on dwelling rent and service charges income loss of £0.3m, offset by leasehold service charges from 2022/23 (£0.5m) and business rate reimbursements on advertising hoarding sites (£0.1m).	(292)	275
<b>Housing Income Total</b>	<b>(292)</b>	<b>275</b>
<b>Finance &amp; Resources</b>		
	(8)	210
<b>Finance &amp; Resources Total</b>	<b>(8)</b>	<b>210</b>
<b>Housing Management</b>		
A high level of decants is driving a forecast overspend in temporary accommodation and disturbance allowance costs of £0.7m. In addition, training and staffing costs associated with the new housing regulations of £0.3m are forecast.	987	385
<b>Housing Management Total</b>	<b>987</b>	<b>385</b>
<b>Resident and Building Safety</b>		
This mainly relates to an increase in the value of capitalisable works.	(597)	0
	<b>(597)</b>	<b>0</b>
<b>Void &amp; Repairs</b>		
This is mainly due to high volumes of disrepair compensation claims (including the associated legal costs) of £2.1m offset partially by an increase in staff and works capitalisation (£0.3m).	1,473	1,715
<b>Void &amp; Repairs Total</b>	<b>1,773</b>	<b>1,715</b>
<b>H&amp;F maintenance (DLO)</b>		
This mainly relates to additional staff and materials resources required as part of the Repairs Improvement Plan.	1,788	2,361
<b>H&amp;F maintenance (DLO) Total</b>	<b>1,788</b>	<b>2,361</b>
<b>Housing Hub</b>		
This reflects repairs compensation payments offset by penalty income from contractors of £0.6m plus additional service improvement related staffing costs of £0.5m.	1,103	0
<b>Housing Hub Total</b>	<b>1,103</b>	<b>0</b>

<b>Place</b>		
Overspends mainly relating to forecast staffing costs	199	206
<b>Place Total</b>	<b>199</b>	<b>206</b>
<b>Regeneration &amp; Development</b>		
This mainly relates to a forecast underspend on feasibility costs for major development schemes.	(321)	(300)
<b>Regeneration &amp; Development Total</b>	<b>(321)</b>	<b>(300)</b>
<b>Capital Charges</b>		
A change in the forecast average short term interest rate payable on net internal borrowing from 4.3% to 4.9% following recent Bank of England base rate increases offset by higher than budgeted cash balances and a lower depreciation charge due to the stock valuation being lower than anticipated.	(383)	(214)
<b>Capital Charges Total</b>	<b>(383)</b>	<b>(214)</b>
<b>Total Variance</b>	<b>3,948</b>	<b>4,639</b>

<b>Table 4 - Savings Delivery</b>					
		<b>MTFS Target</b>	<b>On Track</b>	<b>Partially Deliverable</b>	<b>Undeliverable</b>
		<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
		1,130	1,130		
<b>Schemes not on track</b>	<b>£000s</b>	<b>Reason</b>			

<b>Table 3 - Key Risks - Detail Items Over £250,000</b>		
<b>Risk Description</b>	<b>Risk At Month 6 £000</b>	<b>Risk At Month 4 £000</b>
<b>Capitalisation of Staffing</b> - officers are completing regular and robust reviews of capitalisable staffing costs but there is a risk that these assumptions may need to be adjusted dependent on activities carried out by staff during the year.	850	850
<b>Repairs capitalisation</b> - officers are completing regular and robust reviews of repairs costs to identify those that are capital in nature. As the remainder of the year's costs are yet to be incurred and analysed, there remains a risk that a greater proportion of costs expected may fall to revenue.	unknown	unknown
<b>Repairs Cost</b> - Presently work is underway to value the expected cost of the repairs backlog as well as estimating the value of expected repairs not yet highlighted.	unknown	unknown

<b>Income collection</b> - the current excellent performance on rental income collection may deteriorate as a result of the current economic pressures.	355	385
<b>Repairs and disrepairs compensation for urgent repairs works and associated costs</b> - at this early stage, there is a risk that the forecast understates the costs for this year.	unknown	unknown
<b>Housing Regulator &amp; Ombudsman</b> - Additional costs associated with facilitating inspections may result in unbudgeted spend	unknown	unknown
<b>Staffing Costs</b> - there is a risk that additional resources will be required to deliver the housing and repairs improvement plans.	400	unknown
<b>Total Risks Managed</b>	<b>1,605</b>	<b>1,235</b>

<b>Supplementary Monitoring Information</b>		
None to report		

**APPENDIX 9 – ACTION PLANS – MONTH 6**

<b>ASC and PH Budget Overspend Action Plan</b>				
<b>Ref</b>	<b>Mitigating Action(s)</b>	<b>Proposed Mitigations £m</b>	<b>Responsible Officer</b>	<b>Deadline</b>
1	Reduce double handed care packages	0.500	Michelle Clarke /Jayne White	30/09/2023
2	Increase occupancy levels in block contracted service provision	0.330	Michelle Clarke /Jayne White	31/03/2024
3	Review taxi provision and identify alternative travel arrangements	0.100	Nia Evans	31/03/2024
	<b>Total</b>	<b>0.930</b>		



### CHS Overspend Action Plan

	Mitigating Action(s)	Proposed Mitigations £m	Responsible Officer	Deadline
1  Page 305	<p><b>Education - Disabled Children's Placements and Short Breaks</b> We will remind all case workers about the importance of packages being for assessed need only and amending the packages if the family's needs change either up or down.</p> <p>The panel are being more robust in questioning requests for financial agreement and cost effectiveness of providers.</p> <p>Direct Payments monitoring is underway to identify any underspends and using the existing policy to re-coup funds where appropriate.</p> <p>A new finance monitoring process is in place to ensure POs are accurate and spend is monitored to identify issues early.</p> <p>Work is starting to create a dashboard to assist non-statutory workers to monitor and complete timely reviews of package to ensure they are fit for purpose to meet needs.</p>	0.05	Becky Powell	31/10/2023
2	<p><b>Education - Disabled Children's Transport</b> A review of all commitments for transport and escorts is underway. We are discussing with adult social care for young people transitioning to adulthood</p>	0.09	Becky Powell	31/10/2023

3	<b>Family Support Child Protection</b> Parenting Assessment Service to scrutinise the current spend data and discuss with the wider social work teams to whom also contribute to this spend.	TBC	Anna Keegan	31/10/2023
	<b>Total</b>	<b>0.14</b>		

**APPENDIX 10 - VIREMENT REQUESTS – MONTH 6**

**Social Care**

<b>Details of Virement</b>	<b>Amount (£000)</b>	<b>Reserves One Off</b>	<b>Contingency On Going</b>	<b>Contingency One Off</b>
Learning Disabilities Service Fund Block Contract	61	61		
<b>Sub Total of requested virements</b>	<b>61</b>	<b>61</b>		

**Total**

<b>Details of Virement</b>	<b>Amount (£000's)</b>	<b>Reserves One Off</b>	<b>Contingency On Going</b>	<b>Contingency One Off</b>
<b>Total requested virements</b>	<b>61</b>	<b>61</b>		

**APPENDIX 11 – MTFS SAVINGS – UPDATE AT MONTH 6 (September 2023)**

MTFS Savings Tracker- 2023/24						
Department	MTFS Reference	Description	Firm Savings proposals			
			2023-24 Target Savings (£000's)	2023-24 Forecast Delivery (£000's)	RAG Rating	Comments
<b>Social Care and Public Health</b>						
Social Care and Public Health	Social Care and Public Health -1	Review care costs with NHS as people with extremely high needs are discharged from hospital.	(150)	(150)	Green	
Social Care and Public Health	Social Care and Public Health -2	Model to further support independent living	(250)	(250)	Green	
Social Care and Public Health	Social Care and Public Health -3	Further Increased take-up of Direct Payments for choice and control for residents and increasing wellbeing	(200)	(200)	Green	
Social Care and Public Health	Social Care and Public Health -4	Joint commissioning steering group with Economy department on implementing the Disabled People's Housing Strategy and reducing voids. This will be done through reviewing the Extra Care available for residents, ensuring new builds are co-produced with disabled residents and make good Housing Voids	(200)	(200)	Yellow	Further work to be undertaken to deliver the savings. (Currently forecast to achieve the savings)
Social Care and Public Health	Social Care and Public Health -5	Maximising adaptations in people's homes through use of Disabled Facilities Grant. This increases a person's independence and reduces the need for longer-term	(50)	(50)	Green	

		care, as appropriate.				
Social Care and Public Health	Social Care and Public Health -6	Reviews of care support for people with a sensory disability encouraging the use of equipment, as appropriate, to increase a person's independence.	(50)	(50)		
Social Care and Public Health	Social Care and Public Health -7	Improved support and information for residents and make better use of digital technologies (such as care cubed, use of resident portal, timely return of equipment) and review of Joint Equipment Low Item Ordering	(500)	(500)		Further work to be undertaken to deliver the savings. (Currently forecast to achieve the savings)
Social Care and Public Health	Social Care and Public Health -8	Smarter procurement for better outcomes for carers and review of supporting people services	(70)	(70)		
Social Care and Public Health	Social Care and Public Health -9	Delivery of agreed savings on 0-19 Public Health Nursing. Savings from year 2 through procurement of new health visiting and school nursing contract. Service quality has remained the same with savings achieved through improved service through procurement and contract monitoring.	(60)	(60)		
Social Care and Public Health	Social Care and Public Health -10	Re-tendering of Substance Misuse and Drugs contracts with efficiencies in commissioning and contracting with a plan to reduce overheads and to modernise in line with clinical standards.	(50)	(50)		

Social Care and Public Health	Social Care and Public Health -11	Review of community champion contracts and redesign into an outreach model	(50)	(50)		
Social Care and Public Health	Social Care and Public Health -12	Adult Weight Management- Targeted Operating Model working to improve the leisure offer for residents and linking with the Council's food strategy	(40)	(40)		
<b>Children's Services</b>						
Children's Services	Children's Services-1	A single commissioning process to ensure families receive the right service at the right time; to intervene early and prevent escalation. Targeting efficiencies from April 2023 at £0.7m. Subject to consultation process. This is in addition to £2.3m from Early Help and Prevention delivered to 2021/22.	(700)	(700)		
<b>The Environment</b>						
The Environment	The Environmen-2	Sustained reductions in waste disposal tonnages, for both general waste and recycling. Waste disposal tonnages can be volatile, so there is some risk attached to this proposal	(150)	(150)		
The Environment	The Environmen-3	Bold increases in fees and charges (10-20%) that do not affect residents. The department has a fees and charges income target of £11m, with some existing pressure against it due to the cost-of-living crisis and reversal of one-off growth from 2022/23.	(133)	(133)		
<b>The Economy</b>						

The Economy	The Economy-1	Staffing costs are largely funded from Section 106 and this adjustment follows a review of the staffing budgets charged to the General Fund.	(14)	(14)		
<b>Corporate</b>						
Corporate	Corporate-1	Realign services to provide greater efficiencies and support for member responsibilities	(20)	0		
The Environment	The Environment -1	Continuation of the Resident Experience and Access Programme, driving further improvements in Council Tax, Housing Benefits, Accessible Transport and Contact Centre.	(237)	(164)		Moved from Environment. £75k against Accessible Transport and £89k from the Revenues team have been achieved. £42k against printing and postage is unachieved along with £31k staff savings across Benefits and Customer Services due to additional demands on the service meaning the FTE reductions have not been able to take place yet.
<b>Overall Total</b>			<b>(2,924)</b>	<b>(2,831)</b>		

# Agenda Item 10

## London Borough of Hammersmith & Fulham

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Annual Emergency Planning & Business Continuity Report

**Report of:** Councillor Rebecca Harvey, Cabinet Member for Social Inclusion & Community Safety

**Report author:** Denise Prieto – Emergency Planning & Resilience Manager

**Responsible Director:** Matthew Hooper, Director of Public Protection

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### Summary

The Council has responsibilities under the [Civil Contingencies Act 2004](#) to plan and respond to emergencies and to have business continuity arrangements in place to reduce the risk of service disruption.

This annual report provides an overview of activity over the previous year and the priorities and dynamic work plan for the forthcoming year.

Due to reporting period covered for this Cabinet report the year being reviewed are the 12 months from 01 October 2022 to 30 September 2023. The report highlights areas of work for the current financial year to ensure continuous improvement in the service.

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### Recommendation

1. That Cabinet notes the report which looks back on work undertaken over the last 12 months (running 01/10/22 to 30/09/23) and the dynamic work plan for the remainder of 2023/2024.
  2. To note that there are no actions requested of Cabinet in this report.
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**Wards Affected:** All

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## Chapters within the report

Chapter	Page(s)
H&F Values	2-3
Internal Implications and Comment	3-5
What is Emergency Planning and the Council's Obligations to Deliver?	5-6
Emergency Planning Response Arrangements	6-9
Preparedness	9-11
Incidents Within the Borough 30/09/22 – 30/09/23	11-12
Training & Exercising	12-15
Looking Forward	15

## H&F Values

Our Values	Summary of how this report aligns to the H&F Priorities
Creating a compassionate council	The care and welfare of our residents, especially in emergencies, is at the top of our agenda. We work to ensure that our approach - in times of crisis - supports our residents, businesses, and VCS organisations.
Building shared prosperity	Emergency Planning and Business Continuity response requirements are vital to maintaining a safe and resilient environment for the local community, its businesses, and visitors. We are continuing to expand and enhance our networks to ensure communities and businesses in H&F will continue to thrive.
Doing things with residents, not to them	Building Community Resilience is a priority for H&F to ensure our communities are prepared and can respond and recover quickly in times of emergency. We want to ensure that our communities can help themselves during an emergency in a way that complements emergency services and reduces the impact of an emergency on our community both in the short and long term.
Taking pride in H&F	Emergency planning and resilience arrangements in H&F are of vital importance. We want to ensure that H&F continues to be the best borough in London to live and work.
Being ruthlessly financially efficient	We operate one of the most thorough preparedness, training and exercising programs across the capital with a streamlined staff compliment to maximise

	output within a strict financial envelope.
Rising to the challenge of the climate and ecological emergency	Recognising the Climate Crisis and the impacts on the world we exercise and prepare, rehearsing our response to climate change events - for example, flooding, and heatwave - via our annual exercise programmes.

## **INTERNAL IMPLICATIONS AND COMMENT**

### **Financial Impact**

3. Hammersmith & Fulham have not had to deal with any large-scale major incidents in the reporting year but have responded to smaller local incidents throughout the year as detailed in this report.
4. The reporting period crosses two financial years. For the financial year 2022/23, the Emergency Planning Service managed within its service budget. The service is also on track to do the same in the financial year 2023/24, with a controllable budget of £350,000.
5. It is to be noted however that the reactive nature of this service in responding to large scale incidents can result in unplanned and unexpected expenditure. The budget will continue to be monitored, reported, and managed as part of the Council's corporate revenue monitoring process.

*Kellie Gooch, Head of Finance (Environment), 28 September 2023.  
Verified by: Andre Mark, Head of Finance, 29 September 2023*

### **Legal Implications**

6. Section 2 of the Civil Contingencies Act 2004 requires the Council as a category one responder to carry out risk assessments, and to complete emergency plans and business continuity arrangements.
7. The strategic priorities and work plans set out in this report enable the Council to comply with these statutory duties.

*John Sharland, Senior solicitor (Contracts and procurement), 29 September 2023*

### **Equality Implications**

8. There are no negative impacts on any groups that share protected characteristics, under the Equality Act 2010, from Cabinet accepting this annual Emergency Planning Report.
9. Individuals who require additional support, including those with protected characteristics, may be less able to help themselves in an emergency than non-vulnerable people.

10. Those who require additional support will vary depending on the nature of the emergency, but where appropriate plans should consider issues such as those with mobility impairments; those with mental health issues; those with language barriers and others who are dependent, such as children.
11. The Council has a rota of on-call staff whose remit is to identify and deal with any of the above issues as and when they arise in an emergency.

*Yvonne Okiyo, Strategic Lead Equity, Diversity, and Inclusion 20.10.23*

### **Risk Management Implications.**

12. The Emergency Planning and Business Continuity response requirements are vital to maintaining a safe and resilient environment for the local community, its businesses, and visitors. Failure to have an effective and efficient Emergency Planning and Business Continuity Service may severely impact on the safety and welfare of people, continuity of services, physical assets, information we process, finance, the built and natural environment and the reputation of the Council, Members and Officers.
13. Risks can never be eliminated entirely but proportionate and targeted action can be taken to reduce risks to an acceptable level. Council resilience and Cyber incidents are standing corporate risks that most councils will need to manage. Since early 2020, the Council's emergency planning and business continuity arrangements have been activated and implemented at various times as the Council responded to the Covid pandemic. During the period of reporting the Service and Business Continuity Manager have been involved with several high-profile programmes to provide additional assurance to residents and local businesses including but not limited to;
  - the planning and preparation required for exiting the European Union.
  - reporting to London Resilience on preparations relating to the above.
  - updating Members on resilience plans in regular Brexit updates.
  - planning for and ensuring that local elections were carried out well.
  - preparing for the moves out of the Town Hall and Town Hall extension.
  - leading the review of Business Continuity Plans and Planning arrangements supporting the council's response to Covid-19.
  - supporting the development of local Outbreak Control plans in collaboration with Public Health.
  - supporting the Emergency Planning and Resilience Manager in the preparation of plans associated with the threat of terrorism; and
  - supporting Digital Services in the response to the potential and ongoing threat of Cyber risks.
14. The council's technology infrastructure and resources have stood up well, enabling up to 1,700 members of staff to work remotely. The Council's ability to quickly assemble a team of officers to deal with a major disruption event alongside partner organisations continues to be demonstrated.

15. Having effective emergency planning and business continuity arrangements in place is vital, particularly during periods of significant national and global uncertainty. The Council will need to support residents and businesses as inflation and interest rates continue to rise, as the cost-of-living crisis impacts on more families and vulnerable residents, as high energy costs and a cold winter coincide, as potential for utilities shortages (such as power outages) become more likely and funding of public services comes under increasing pressure.

*David Hughes, Director of Audit, Fraud, Risk and Insurance, 10 October 2023*

### **Other Implications**

16. In the wake of a terrorist attack in the United Kingdom, London Local Authority Prevent teams undertake local community tension monitoring and increasing community engagement and reassurance efforts.
17. The Prevent team will provide bespoke, tailored resources, support and advice to schools and the community to tackle any tensions arising, to safeguard our community.

*Aysha Esakji, Prevent Co-ordinator, 2<sup>nd</sup> October 2023*

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### **Background Papers Used in Preparing This Report**

None

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### **WHAT IS EMERGENCY PLANNING AND THE COUNCIL'S OBLIGATIONS TO DELIVER?**

18. Part 1 of the Civil Contingencies Act 2004 and supporting regulations and statutory guidance establish a clear set of roles and responsibilities for those involved in emergency preparation and response at the local level. The Act divides local responders into 2 categories, imposing a different set of duties on each. The Council, as a Category 1 responder is at the core of the response to most emergencies in the borough.
19. The Council is subject to the full set of civil protection duties under the Act and is required to:
- a. Assess the risk of emergencies occurring and use this to inform our contingency planning.
  - b. Put in place emergency plans and business continuity management arrangements.

- c. Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency.
  - d. Share information and co-operate with other local responders to enhance co-ordination and efficiency.
  - e. Provide advice and assistance to businesses and voluntary organisations about business continuity management.
20. Annually the Council is also required to undertake a self-assessment to evidence work and assurance.
21. The council has a robust suite of emergency plans in place, and these were activated several times over the previous year. There are national and regional frameworks in place that govern how local plans are produced.

### **Our emergency response and strategic priorities**

22. The Council's Strategic Priorities for any **emergency response** are to:

- a. Provide support to incident responding agencies as required.
- b. Support the vulnerable.
- c. Maintain continuity of council service provision.
- d. Provide assistance and information to Hammersmith and Fulham's communities and businesses.
- e. Provide community leadership.
- f. Assist the return to 'normality'.

23. The Council's Strategic Priorities for **recovery from an emergency** are to:

- a. Provide strong and visible leadership during the recovery phase.
- b. Support the health and welfare of the borough's communities.
- c. Assist in the restoration of the built and natural environment.
- d. Assist communities and business to return to normality.
- e. Monitor financial matters and pursue funding and other assistance.

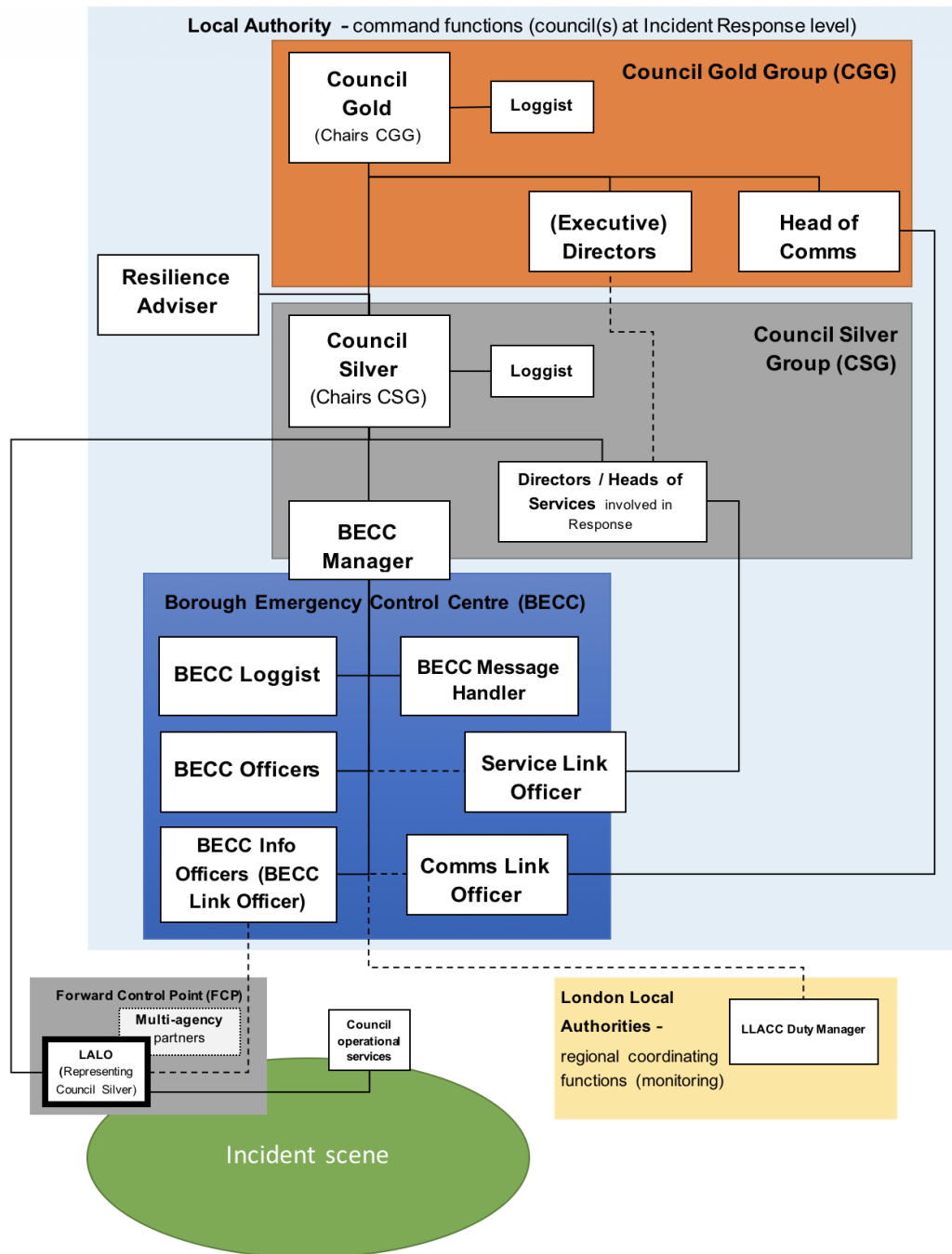
24. Building Community Resilience to ensure our communities are prepared, can respond, and recover quickly in times of emergency, are priorities for the borough.

### **EMERGENCY PLANNING RESPONSE ARRANGEMENTS**

25. The emergency planning procedures in H&F are clear and well established.

26. Our Command-and-Control approach is set out in the following diagram. In this structure, Gold is the strategic lead (selected from an established rota of trained staff on call), Silver the tactical lead (selected from an established rota of trained staff on call) and Bronze the operational lead.

27. All officers have clear remits, responsibilities, and accountabilities and, working together, we ensure that our response to an emergency is timely, accurate and proportionate to the matter at hand.



28. The emergency services may ask a council to provide care to members of the public who have been evacuated from their homes and require temporary accommodation/shelter. Such care can be provided at emergency reception centres set up for that purpose.

29. There are arrangements in place to use St Pauls Business Centre, the Lyric Theatre and QPR football club as emergency reception centres. We also

have community halls across the borough that can be utilised as emergency reception centres.

## **Resources**

30. The Emergency Planning Team for H&F currently consists of three members of staff. One full time Emergency Planning & Resilience Manager, one full time Emergency Planning Officer and one full time Business Continuity Manager.
31. The wider emergency response team is made up of officers across the council who are trained in emergency response roles. On-call Gold, Silver, Welfare Bronze, Reception Centre Manager, Local Authority Liaison Officer (LALO) and Communications are specific roles that are in operation 24/7, 365 days a year.
32. The Emergency Planning team circulates a confidential “Weekly Orders” document to selected officers. The document sets out the rotas for officers that are responsible for different levels of command and control in the event of an emergency incident and includes key contact numbers.

## **Emergency response and recovery plans**

33. To ensure that the Council is ready to respond and recover from an emergency event a suite of plans is prepared and stored.
34. These documents assist in the event of an emergency to provide relevant operational information regarding roles, departments, and partner agencies so that the correct tactical decisions can be made, and the correct resources applied/deployed. The documents are reviewed every year or following any major emergency or major service disruption.
35. During an emergency or a major business continuity disruption, several Council meetings may be called to support decision making and response activity at strategic and tactical levels. The key groups which may need to convene are the Gold Strategic Group, the Silver Group, the Service Resilience Group (SRG), and the Recovery Coordination Group. The roles of these groups are detailed within the Emergency Response & Recovery Plan.
36. The Council holds quarterly Borough Resilience Forum meetings chaired by the H&F Chief Executive. These meetings bring together our multi-agency partners responsible for emergency planning to share information and discuss issues. The attendees include the blue lights, MPS, LFB and LAS, our health partners, utility representatives, voluntary organisations, the Environment Agency, Ministry of Defence, and the Met Office.
37. H&F have held three meetings this year, the next one will be held in December 2023.

## **PREPAREDNESS**

38. A response to an emergency is dependent, in many ways, on the preparedness of the borough to respond. We ensure that we are as prepared as possible by delivering the following:

### **Borough Emergency Control Centre, (BECC)**

39. In times of emergency need the BECC acts as the hub for managing and coordinating activities during an incident by gathering, verifying, displaying, and sharing intelligence/information from the Council and other partners.

40. The BECC team will operate and support the Senior Leadership Team (SLT), Service Resilience Group (SRG), Silver, Departments and outside agencies if required.

### **Mutual aid arrangements**

41. Under London's Local Authority Gold arrangements, any borough can request mutual aid when facing an emergency incident. A request is submitted to the London Resilience Group (LRG) and signed off by London Local Authority Gold (LLAG) The process for submitting a request is outlined in the London Mutual Aid Agreement.

42. In addition, here is a Northwest London Mutual aid agreement between Hammersmith & Fulham, Brent, Ealing, Harrow, Hillingdon, Hounslow, Westminster and the Royal Borough of Kensington and Chelsea.

43. Establishing mutual aid agreements between Boroughs is an effective way of ensuring we can practically support each other equitably during periods of disruption. This includes any borough that may require assistance affecting their capacity and capability in which to respond. This could include staffing, specific expertise (subject matter experts), project leadership/management support and physical resources.

### **Ensuring Preparedness**

44. The London Resilience Group (LRG) are the overarching body responsible for resilience arrangements adhered to by the 33 London Boroughs, after the Civil Contingencies Act was made law in 2004.

45. All London Boroughs are asked to complete a yearly assurance document called the **Resilience Standards for London**.

46. The Resilience Standards are designed to help boroughs assess their current levels of resilience and develop their work to improve while supporting compliance with the Civil Contingencies Act 2004.

47. The assessment asks boroughs to evidence their work against the headings of "Developing, Established or Advanced". The West London Borough's returns on this self-assessment are then discussed in a West London self-



assessment workshop, also attended by members of the London Resilience Team. There were no changes or amendments to be made to H&F's assessment resulting from this workshop.

48. As a borough we submitted our return to the London Resilience Team in January 2023 and, following our self-assessment, we were able to evidence that our work was “Established” in nine categories and “Developing” in the remaining two – these two areas being Community Resilience and Recovery Management.
49. To improve the boroughs resilience in these two areas, as we seek to move towards “Established” in both areas we have undertaken the following.
  - a. We are working with Hammersmith & Fulham Volunteer Centre (HFVC) and Hammersmith BID to establish a communications network with volunteer/community organisations and local businesses. H&FVC has contact with up to 300 organisations in the borough and. Hammersmith BID has a network of local businesses that could also provide support. We are working to raise awareness about what that support and assistance would look like and where their roles fit during a response. We are supporting H&FVC in applying for the GLA's Community Resilience Fund which will provide a financial resource to liaise and collect data about the type of support that organisations will provide e.g., response times for potential volunteers, space for rest centres, catering, support in donation management etc. With this information, we can establish a joint community response plan, shared with these organisations, local businesses, and the H&F BRF to provide further structure in our response during emergencies.
  - b. For our work in regard Recovery Management, we have an MOU with St Pauls Church in Hammersmith that allows us to use their buildings and facilities to set up a humanitarian assistance centre if required. We have developed a plan that outlines how we would set this up in a major incident.
  - c. To further increase our resilience, we are continuing to develop relationships with charitable and private sector organisations - which includes identifying funding streams or other support for community development and other recovery initiatives – as we seek to develop and implement processes to manage and receive support at times of crisis i.e., receiving donations following an emergency using the borough's donations management protocol.

**Business Continuity – How we understand the impact on services in an emergency and ensuring we have plans in place to keep services running.**

50. Business continuity is the advance planning and preparation undertaken to ensure that an organisation will have the capability to operate its critical business functions during emergency events.
51. We saw during Covid how the Council responded to a significant emergency and how services were able to continue to operate and utilise their business continuity plans.
52. A couple of years back the Council purchased Business Continuity software - called Clearview - which has been rolled out across the organisation. This software allows service plans to be automated, available in soft and hard copy and allows owners to access their plans via their laptops and mobile phones.
53. A Corporate Business Continuity Strategy defining the Council's approach to Business Continuity is currently under review. The Strategy defines roles and responsibilities for Business Continuity Plans (BCPs) of individuals and groups within the Council.
54. A new Business Continuity Manager joined the Emergency Planning team in September 2023 and will be continuing to ensure that H&F is discharging its legal responsibilities regarding Business Continuity under the Civil Contingencies Act 2004
55. In addition to the London Resilience standards the service has also been subject to independent scrutiny when, on 12/01/23, the emergency planning service was presented to the Health and Social Care Policy and Accountability Committee. Attendance at the HSCPAC provided Members, and residents, with an opportunity to understand our emergency planning processes and responsibilities following the heatwaves in 2022 and our proactive measures to prepare for emergency responses in 2023 and beyond.

**EMERGENCY INCIDENTS WITHIN THE BOROUGH – 30/09/22 – 30/09/23**

56. As referenced above the borough has thankfully not had to deal with any large-scale major incidents (other than the Covid-19 pandemic) since June 2018 but have responded to smaller local incidents throughout the year.
57. The borough's emergency responders dealt with a diverse range of incidents during the year including serious fires, power outages, and serious violence amongst others.
58. There have been incidents requiring emergency planning deployments and response(s) by the council to support our emergency response colleagues the most notable of these were:

- a. 22/09/22 – Flat Fire, West Kensington Estate
- b. 10/12/2022 Commercial Fire, Uxbridge Rd, W12

59. Each of these incidents, and our responses, are explained further below:

60. 22/09/22 - Flat Fire, West Kensington Estate, W14

- a. H&F Local Authority Liaison Officer and on-call Duty Silver and Gold response activated.
- b. Rest Centre Manager, Pinnacle staff and Pinnacle Manager attended. Rest Centre opened initially but not required.
- c. Three households placed into the Holiday Inn nearby as the affected flat was very hot inside and the Fire Brigade were concerned another fire may occur.
- d. LFB remained in situ overnight to ensure everyone's safety.

61. Commercial Fire, Uxbridge Rd W12 10/12/22

- a. Response managed by H&F on-call Duty Silver; Duty Gold informed.
- b. H&F Local Authority Liaison Officer attended the scene, two households placed into temporary accommodation overnight.
- c. Building Control were called out via the H&F Out of Hours Service.
- d. H&F Contractors also attended and gritted the pavement, as water from the incident was freezing on the road, which was creating a potential hazard for vehicles and pedestrians.

## **SERVICE CONTINUITY INCIDENTS**

62. Since the publication of the previous Cabinet report there have been no service continuity incidents of note.

## **TRAINING AND EXERCISING**

63. The Emergency Planning service is well developed and always seeks to evolve and improve our knowledge and expertise.

64. To develop staff understanding our EP team attended several workshops / briefings throughout 2022 /2023:

- a. London Fire Brigade - Borough Risk Management Plans - 17 July 2023
- b. Humanitarian Assistance Essentials for HALOs (training workshop) – 05 July 2023
- c. Resilience Direct training – June 2023
- d. Summer preparedness, Adverse Weather Health Plan, and alerts – 28 June 2023
- e. Drought Response briefing – 20 June 2023
- f. Fuel Disruption Protocol briefing – 30 May 2023
- g. LRF and BRF Chairs' Forum – 10 May 2023

- h. LA Mutual Aid debrief - Thornton Heath gas explosion debrief – 14 December 2022
- i. London Tactical Co-ordination Protocol (TCP) briefing – 7 November 2022
- j. London Utility Sector Awareness Day – 11 October 2022: presentations from National Grid, UK Power Networks, SGN (Gas industry) and the waste industry
- k. Met Office Winter Weather Hazards Course – 10 October 2022

## **EXERCISES**

65. As part of our annual offer of training, exercising and delivery, officers attend, plan and run several events to ensure that H&F continues to develop to the standards we expect of ourselves and to the standards that our partners expect.
66. It is important to ensure that emergency plans are activated and tested as part of our resilience work programme. The Emergency Planning team work with the Borough Resilience Forum, London Fire Brigade, Police, and others to ensure that we test our plans against current and/or emerging risk and threat. Over the last year exercises have included:
67. Participation in a London Fire Brigade training exercise on 20<sup>th</sup> October 2022. A simulated fire evacuation of a tower block in Northwest London (building already decanted for demolition) designed to test best practice and current protocols.
68. Multi-Agency Power Outage Exercise - November 2022 was a H&F Borough Resilience Forum face to face workshop that took place at Shortlands, W6 on 25 November 2022. 47 representatives from 15 organisations participated. This included a presentation from UK Power Networks. The exercise was well received and there was positive feedback from attendees.
69. The overall aim of this exercise was to bring together partners to address and identify issues that could arise during a power outage scenario whether pre-planned or without warning. A post-exercise report was created by the Emergency Planning team and circulated to the participating organisations.
70. The lessons learned focussed mainly on pre-planning and ensuring that organisations had robust business continuity plans in place to address pre-planned / unplanned power outage incidents to mitigate what could occur in these types of scenarios.

### **Gold & Silver Workshop / Exercise – February 2023.**

71. This was an opportunity for on-call Golds and on-call Silvers to get together, share experiences and to familiarise themselves with each other's roles and responsibilities as well as understanding the differences and connectivity between roles when responding to emergencies.

72. A scenario was worked through based on a suspect package in the Hammersmith Apollo which resulted in an explosion. Working together, Golds and Silvers discussed how to co-ordinate the response and ultimately the recovery from this scenario in the short and longer term.

### **Multi-Agency Heatwave Exercise – April 2023**

73. Ran as a H&F Borough Resilience Forum face to face workshop in Shortlands on 27 April 2023.

74. 44 representatives from 17 organisations participated. This exercise included a presentation from a Met Office Advisor, regarding causes of and impacts from high temperatures and extreme heat and the H&F Assistant Director for Highways, who summarised the impacts of the high temperatures on Hammersmith Bridge in July and August 2022.

75. This was an opportunity for the Council and responding partners to work together in identifying potential issues during a heatwave and extreme heat incident, and how we could mitigate against them to provide an appropriate response, working in partnership when needed. A post-exercise report was created by the Emergency Planning team and circulated to the participating organisations.

76. The lessons learned focussed mainly on pre-planning and ensuring that organisations had robust business continuity plans to mitigate against issues that may occur during this type of incident and the recovery phase.

77. **Exercise Safer City – May 2023** Emergency Planning participated in a London Wide exercise run by the London Resilience Group designed to evaluate the London Local Authority Gold arrangements and to test co-ordination and communication between Borough Emergency Control Centres (BECCs) and the London Local Authority Co-ordination Centre. The scenario was based on flooding. Several emergency response officers participated as well as Highways and the Comms team.

78. **Exercise Connects – June 2023** Exercise Connects is the annual test of communications methods between the London Local Authority Control Centre (LLACC) and the London Borough Control Centres (BECCs), to ensure they are accurate and fit for purpose.

79. **Multi-Agency Public Disorder Exercise - September 2023** Ran as a H&F Borough Resilience Forum face to face workshop in Shortlands on 26 September 2023.

80. 42 representatives from seven organisations participated. This exercise included a presentation from Superintendent Craig Knight - Metropolitan Police - outlining the causes of and impacts from, Public Disorder incidents.

81. This was an opportunity for the Council and responding partners to work together in identifying potential issues during a Public Disorder incident, and

how we could mitigate against them to provide an appropriate response, working in partnership when needed. A post-exercise report will be created by the Emergency Planning team and will be circulated to the participating organisations.

82. The lessons learned focussed mainly on pre-planning and ensuring that organisations had robust business continuity plans to mitigate against issues that may occur during this type of incident and the recovery phase.
83. Further training and exercises are planned and will be delivered over the next 12 months.

### **LOOKING FORWARD**

84. For the remainder of 2023/2024 the focus for Emergency Planning and Business Continuity services is to continue to embed emergency response, planning and resilience arrangements throughout the organisation. Training and conducting exercises with staff and external organisations throughout the year.
85. The London Resilience team created a standardisation programme for emergency roles and across London. This was highlighted as an issue following the Grenfell Tower tragedy. H&F are working with London Resilience and other boroughs to ensure our plans and training fit with the new standardised processes and training packages as they go live.

### **LIST OF APPENDICES**

None

## LONDON BOROUGH OF HAMMERSMITH & FULHAM

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Serious Violence Duty Strategy

**Report of:** Councillor Rebecca Harvey, Cabinet Member for Social Inclusion and Community Safety

**Report author:** Laura Seamons, Service Transformation Lead, Community Safety

**Responsible Director:** Bram Kainth, Strategic Director of Environment

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### SUMMARY

In December 2019, the government announced that it would bring forward legislation to create a new Serious Violence Duty, under the Police, Crime, Sentencing and Courts Act (PCSC) 2022.

The Duty requires specified authorities to work together to prevent and reduce serious violence, including identifying the kinds of serious violence that occur in the area, the causes of that violence, and to prepare and implement a strategy for preventing and reducing serious violence.

The Hammersmith & Fulham Serious Violence Duty Strategy has been co-produced with partners, including young people, the voluntary and community sector, businesses, the Metropolitan Police, Health colleagues and the Youth Justice Service. The Strategy has been produced alongside a strategic needs assessment that has identified current and long-term trends of serious violence across the borough, including victim and suspect profiles, locations and timings of offences. Together with the consultation, the strategic needs assessment has allowed us to develop a strategy that is both collaborative and data informed.

Under the new Duty, the Serious Violence Duty Strategy must be published on the council's website by 31<sup>st</sup> January 2024.

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### RECOMMENDATIONS

1. That approval be given to the contents and publication of Hammersmith & Fulham's Serious Violence Duty Strategy.
  2. To note that once the Strategy has been approved an accessible version of the strategy will be developed to be published at the same time.
- 

**Wards Affected:** All

Our Values	Summary of how this report aligns to the H&F Values
Creating a compassionate council	The strategy seeks to deliver an approach to tackling serious violence that is both data informed and collaborative with young people and the voluntary and community sector to ensure the strategy identifies and supports those most in need.
Doing things with residents, not to them	The Serious Violence Duty Strategy has been co-produced with young people, representatives from the voluntary and community sector and local businesses. In addition to statutory partners that work closely with a wide range of residents from across the borough.

### Financial Impact

The strategy was compiled and developed by the Community Safety Unit with support from the Business Intelligence Team, within the existing approved budget for the service. Any costs relating to the implementation of the strategy are expected to be managed within existing approved Council budgets and new grant funding provided by the Home Office for this purpose (£80,000 secured for the period 2022/23 to 2024/25).

*Finance impact completed by Tom Berry, Finance Trainee (Environment), 16 November 2023.*

*Financial implications verified by Andre Mark, Head of Finance (Strategic planning and investment), 16 November 2023.*

### Legal Implications

- In April 2022 the Police, Crime, Sentencing and Courts Act 2022 came into force. Under the section 8(3) duties to collaborate and plan the local authority and other specified authorities must:
  - a. identify the kinds of serious violence that occur in the area
  - b. identify the causes of serious violence in the area, so far as it is possible to do so, and
  - c. prepare and implement a strategy for exercising their functions to prevent and reduce serious violence in the area.
  
- Once a strategy has been prepared, under section 7 the local authority must:
  - d. publish the strategy
  - e. keep the strategy under review, and
  - f. from time to time prepare and implement a revised strategy.



- Publication of the Serious Violence Duty Strategy contributes to the fulfilment by the Council of these obligations.
- There are no other direct legal implications associated with the publication.

*Legal implications completed by Jade Monroe, Chief Solicitor Social Care, 15 November 2023.*

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## **Background Papers Used in Preparing This Report**

None

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## **DETAILED ANALYSIS**

### **Proposals and Analysis of Options**

#### **Serious Violence in H&F**

1. The Serious Violence Duty Strategy has been produced under the requirement set out in Chapter 1 of Part 2 of the PSCS Act. It requires specified authorities to work together to plan and reduce serious violence, including identifying the kinds of serious violence that occur in the area, the cause of that violence, and prepare and implement a strategy for preventing, and reducing serious violence in the borough.
2. The responsible authorities in the Serious Violence Duty are:
  - The Police
  - Fire and Rescue authorities
  - Justice Organisations (youth offending and probation services)
  - Health bodies (Integrated Care Boards)
  - Local authorities

The Serious Violence Duty Working group, which is represented by all the responsible authorities, have worked collaboratively to produce the strategy. The group will continue to work together to deliver the requirements of the duty, and ultimately reduce serious violence across the Borough. Alongside this, the Community Safety Partnership and the Policy and Accountability Committee will continue to hold responsible authorities, including the police, to account and will monitor the key performance indicators and action plan established for the serious violence duty.

3. Serious Violence for the purposes of the Serious Violence Duty, is defined as:

- a. *Any violence and exploitation affecting young people under the age of 25, domestic abuse, and sexual violence. Within the context of these types of violence, it encompasses homicide, grievous bodily harm, actual bodily harm, rape, assault by penetration, sexual assault, personal robbery, threats to kill and violence against property caused during the commission of one of these offences.*
- b. Domestic abuse is as defined in the Domestic Abuse Act 2021. Domestic abuse is defined in the act as :-

*Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—*

- (a) A and B are each aged 16 or over and are “personally connected” to each other, and*
- (b) the behaviour is abusive.*

*Behaviour is “abusive” if it consists of any of the following—*

- (a) physical or sexual abuse;*
  - (b) violent or threatening behaviour;*
  - (c) controlling or coercive behaviour;*
  - (d) economic abuse*
  - (e) psychological, emotional or other abuse;*
- and it does not matter whether the behaviour consists of a single incident or a course of conduct.*

- c. For the purpose of the serious violence duty the same definition of serious violence including the definition of domestic abuse will be used across all London authorities. A template provided by London’s Violence Reduction Unit has been used to produce the strategy to ensure consistency across London.
4. H&F has produced a strategic needs assessment using a range of data sources to allow us to identify current and long-term issues relating to serious violence and those most vulnerable to involvement in the local area. The strategic needs assessment has informed the strategy and provides a greater understanding of established and emerging serious violence trends, priority locations or other high-risk issues.
  5. In 2022, there were 1,634 violent offences that resulted in injury and there was a higher rate of crime per resident compared to the London average. 34% of these offences involved someone under the age of 25. Violent offences were most concentrated in town centre locations and most concentrated in Shepherd’s Bush for offences involving young people under the age of 25.
  6. There were 2,835 offences flagged as domestic abuse in 2022, similar to the London average.
  7. In 2022 there were 395 sexual offences, a slightly higher rate of crimes per residents when compared to the London average. 41% of sexual offences occurred in a public place. In 75% of offences the suspect was male, and the victim was female. A high number of offences were reported in Shepherds Bush Green, Hammersmith Broadway, and Brook Green.

8. The strategy and strategic needs assessment in addition to meeting the requirement of the serious violence duty, will also support the council to build on and continue to enhance our wider programme of work in tackling crime in the borough. The wide-ranging data analysed within the strategic needs assessment and recommendations within the strategy will ensure initiatives delivered by the Gangs Violence and Exploitation Unit, and the Law Enforcement Team can be targeted to locations and individuals most in need. It will also support the councils ambitious VAWG strategy to deliver its objectives.

## **Co-production**

9. Hammersmith & Fulham Council recognises that to tackle violence there needs to be a holistic and integrated approach with the community. This strategy has been co-produced with the voluntary and community sector local businesses and young people. Through consultations we have identified what partners think are the biggest gaps in service provision and what they felt was needed to reduce serious violence in the borough. We have engaged with the H&F Youth Council to understand what locations are a particular concern for young people in the borough are and what they felt the priorities should be for tackling youth violence. Consultation surveys were also completed with young people engaged with the Youth Justice Service.

## **Strategy Recommendations**

10. The strategy outlines the recommendations that, based on the strategic needs assessment and consultation, can be used by all partners to tackle serious violence in the borough

**Recommendation 1:** *Tackling domestic abuse should remain a continued focus given the high proportion of violence with injury offences which are flagged as domestic abuse (24%) and the greater number of domestic abuse offences compared to violence with injury offences (70% more domestic abuse offences compared to violence with injury offences). Consideration should be given to investing in gaps in current support provision for those affected by domestic abuse, as well as initiatives to support with early intervention, enable desistance in perpetrators, and prevention projects for young people.*

**Recommendation 2:** *Build stronger and more effective responses to serious violence and sexual abuse, taking account of any links between these offences (and domestic abuse) to ensure the most effective services are commissioned. These responses should pay particular attention to (i) the high proportion of violent offences that involve young people under the age of 25, (ii) the high proportion of violent offences that involve females under the age of 18, and (iii) the geographical trend for violence and sexual offences to take place around Shepherds Bush Green, Hammersmith Broadway, and Brook Green.*

**Recommendation 3:** *A higher than expected proportion of sexual offences occurred in public spaces (both indoor and outdoor) and were concentrated in specific locations (Shepherds Bush, Hammersmith Broadway and Brook Green). Interventions that aim to reduce sexual violence in the public realm should be targeted at these locations including supporting nighttime economy venues and should be designed in consultation with women and girls across H&F.*

**Recommendation 4:** *Shepherd's Bush Green and Hammersmith Broadway have the most concentrated number of offences for violence with injury and sexual offences. Specific consideration should be given to where violent crimes are taking place.*

**Recommendation 5:** *Interventions should also consider level of trust and confidence in partnership services and look at ways to engage best with victims of violent crime to build relationships to report and access support. Services should be developed collaboratively with residents when possible.*

### **Reason for the decision**

11. The Council has a statutory duty to publish a Serious Violence Duty Strategy by 31<sup>st</sup> January 2024. This strategy fulfils this requirement.
12. Cracking down on crime is a key manifesto commitment, and this strategy supports the objectives of tackling Violence Against Women and Girls and tackling gang crime.

### **Next Steps**

13. Once approval is given the strategy will be published on the website, not later than the 31<sup>st</sup> January 2024. The strategy will then be refreshed annually.
14. Additional projects will be identified and delivered in line with the recommendations of the strategy, which are based on consultation results and the strategic needs assessment.
15. The findings of the strategic needs assessment and the recommendations of the strategy will enhance the council's wider approach to tackling violent crime.

### **Equality Implications**

16. H&F Equality Impact Analysis Tool completed (Appendix 2).

### **Risk Management Implications**

17. There is a risk that communication between identified partners (including young people, the voluntary and community sector, businesses, the Metropolitan Police, Health colleagues and the Youth Justice Service) is not

joined up and that the collaborative approach that has been used when developing the strategy does not continue once the strategy is published. Steps should be taken to ensure that all partners are involved in tackling serious violence as the recommendations are implemented. This includes the request for information and data to be shared in a timely manner. The partnership will use well established information sharing agreements to ensure that the correct process is followed when sharing information and that it does not contravene the basic rights of any individuals identified.

*Implications completed by Jules Binney, Risk and Assurance Manager on 14/12/2023*

## **LIST OF APPENDICES**

Appendix 1 – Serious Violence Duty Strategy  
Appendix 2 – Equality Impact Assessment

## APPENDIX 1

### Police Crime Sentencing and Courts Act 2022

## Serious Violence Duty

### Strategy

#### London Borough of Hammersmith & Fulham

#### 1. Introduction

This Strategy document has been produced as part of the requirements of the Serious Violence Duty, introduced by the Police Crime Sentencing and Courts Act 2022.

The duty places several requirements upon local areas, including –

- Agreeing a local partnership arrangement to lead on the duty
- Deciding on an agreed definition of serious violence
- Have consistent data sharing between organisations
- Produce a Strategic Needs Assessment
- Develop a Strategy to set out how the duty will be implemented locally

The Duty requires specified authorities to work together to prevent and reduce serious violence, including identifying the kinds of serious violence that occur in the area, the causes of that violence, and to prepare and implement a strategy for preventing and reducing serious violence.

The responsible authorities (also known as ‘duty holders’) in the Serious Violence Duty are:

- the police
- fire and rescue authorities
- justice organisations (youth offending teams and probation services)
- health bodies (Integrated Care Boards)
- local authorities

Educational institutions, prisons and youth custodial institutions will be under a separate duty to co-operate with duty holders, but they are not duty holders.

This strategy takes account of guidance issued by the government, as well as London guidance, developed by the London Violence Reduction Unit, in collaboration with London Councils, the Mayor’s Office for Policing and Crime, the Metropolitan Police, NHS London and Probation Service.

The strategy sets out the agreed definition of Serious Violence for the borough, summarises the key aspects of the Serious Violence Strategic Needs Assessment, the partnership arrangements that have been agreed locally to lead on delivery of

the duty, the areas of activity to prevent and reduce serious violence, and activity to engage with voluntary sector organisations, communities - including young people, as well as businesses.

## **2. Definition of Serious Violence**

The Police Crime Sentencing and Courts Act 2022 provides that, for the purposes of the Duty, serious violence includes domestic abuse, sexual offences, violence against property and threats of violence, but does not include terrorism.

The Governments Serious Violence Strategy sets out specific types of crime of concern, including homicide, violence against the person which may include both knife crime and gun crime, and areas of criminality where serious violence or its threat is inherent, such as in county lines drug dealing. These crimes should be at the core of the serious violence duty for the purpose of its reduction and prevention.

**The London Guidance advises that Serious Violence for the purposes of the Serious Violence Duty in London, is defined as:**

*Any violence and exploitation affecting young people under the age of 25, domestic abuse, and sexual violence. Within the context of these types of violence, it encompasses homicide, grievous bodily harm, actual bodily harm, rape, assault by penetration, sexual assault, personal robbery, threats to kill and violence against property caused during the commission of one of these offences.*

***Domestic abuse is as defined in the Domestic Abuse Act 2021 (Further information is given in the Appendix 1)***

In the London Borough of Hammersmith and Fulham we have agreed to adopt this definition of serious violence for the purposes of the Serious Violence Duty.

## **3. Local Partnership Arrangements**

In the London borough of Hammersmith & Fulham we are following the London guidance and the Community Safety Partnership will be the lead partnership for implementation and ensuring compliance with the duty.

A Serious Violence Working Group has been established to develop the strategy, strategic needs assessment, and agree on the delivery plan. Membership of the group includes all the duty holders. The Serious Violence Working Group will report to the Community Safety Partnership.

### **3.1 The Community Safety Partnership**

The Hammersmith & Fulham Community Safety Partnership (CSP) is a partnership established under the Crime and Disorder Act 1998. The overarching aim of the Partnership is to make Hammersmith & Fulham a safer place for residents, businesses, and visitors to the borough by: reducing crime and the fear of crime; addressing the risk, threat and harm to victims and local communities; and by facilitating the strengthening of H&F's communities in the delivery of local initiatives.

It is responsible for delivering the priorities set out in the Community Safety Strategic Assessment. A diagram of the structural organisation of the CSP and the Boards, groups and panels that feed into it is shown in Figure 1.

The CSP is chaired by the local authority Chief Executive.

A minimum of 4 meetings are held each year.

The CSP consists of representatives from the following partners:-

- H&F Council
  - o Chief Executive
  - o Cabinet Member for Community Safety and Social Inclusion
  - o Director of Social Care and Transformation
  - o Director of Children's Services
  - o Chief Officer for Safer Neighbourhoods and Regulatory Services
  - o Assistant Director of Community Safety, Resilience and CCTV
  - o Chief Officer for Housing
  - o Public Health
  - o Head of Business Intelligence
- Met Police
  - o Superintendent of Neighbourhoods
- London Fire Brigade
  - o Borough Commander
- Probation Service
  - o Head of Service
- NHS
  - o Assistant Director of Integrated Care Partnerships
  - o Head of Social Work and Social Care
- Victim Support
  - o Operations Manager
- Standing Together Against Domestic Abuse
  - o Chief Executive
- Angelou Partnership
  - o Chief Executive



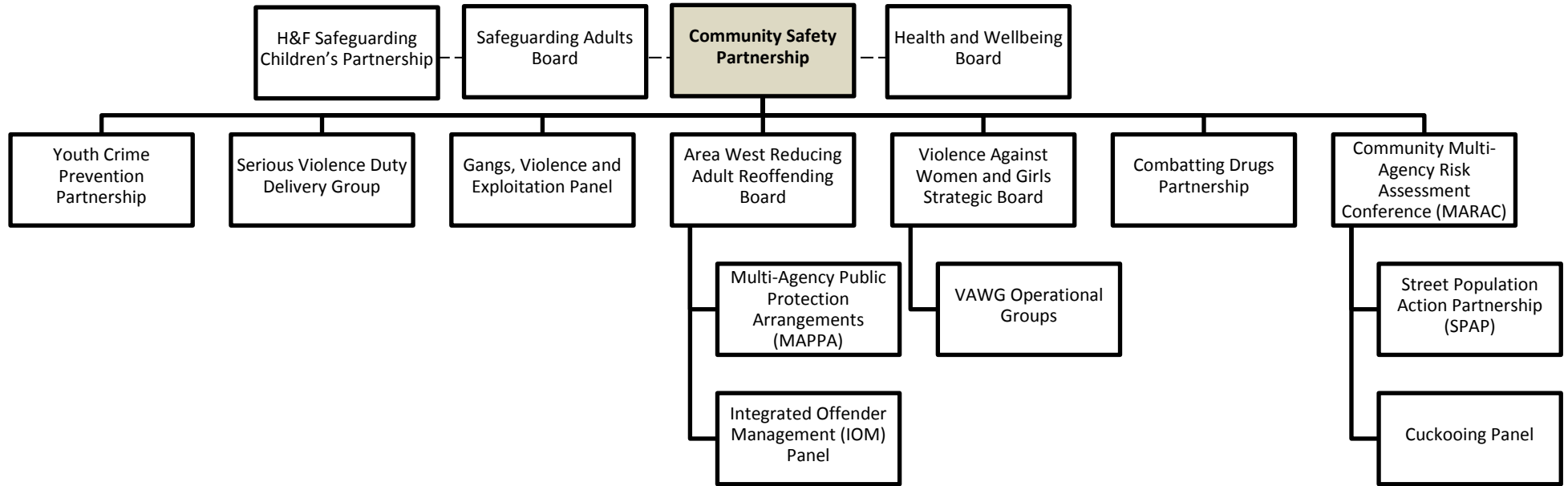


Figure 1. Organisational Structure of the Community Safety Partnership.

#### 4. Summary of the Strategic Needs Assessment of Violence

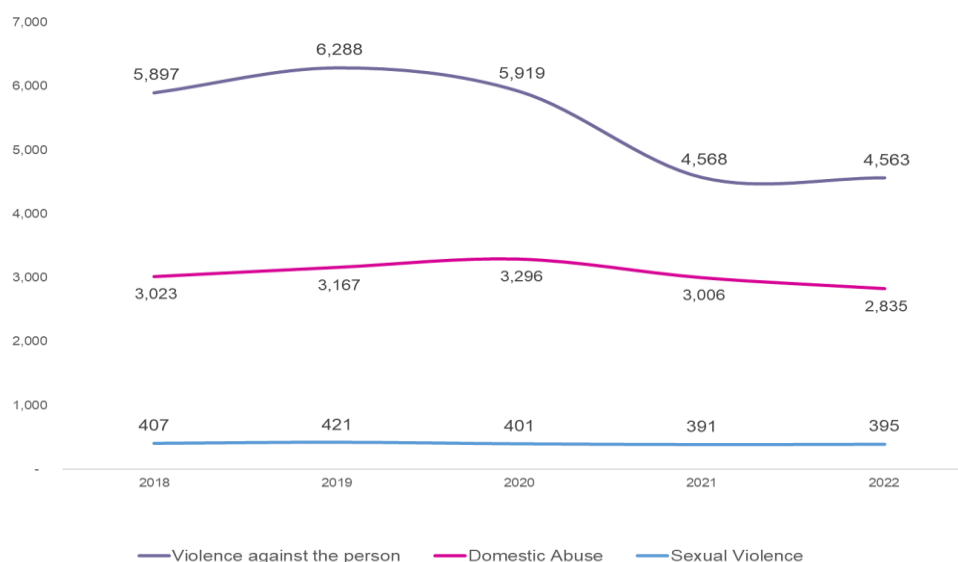
The strategic needs assessment was completed in August 2023 and is intended to enable partners to identify current and long-term issues relating to serious violence and those most vulnerable to involvement in the local area. This provides a greater understanding of established and emerging serious violence trends, priority locations or other high-risk issues.

The strategic needs assessment has been developed following an evidence-based analysis of data relating to violence, as well as broader datasets including those in relation to deprivation and health.

The strategic needs assessment has looked at the critical areas of violence and vulnerability within the definition of serious violence, including violence affecting those under the age of 25, domestic abuse and sexual violence.

In assessing each of the critical areas, the analysis has looked at locations that have a higher risk of violence and temporal factors, such as the times of greater and lesser offending, including the times of day, days of the week and seasonal trends through the year. The analysis has also looked at the profile of victims and offenders of violence, in order to understand the risks and opportunities for prevention.

The graph below shows the number of offences reported for violence with and without injury, domestic abuse flagged offences and sexual offences since 2018. The table shows the changes in reported offences between 2021 and 2022.



Offence Type	2021	2022	% change
<b>Violence with injury</b>	<b>1,526</b>	<b>1,635</b>	<b>+ 7%</b>
<b>Violence without injury</b>	<b>3,042</b>	<b>2,928</b>	<b>- 4%</b>
<b>Sexual Violence</b>	<b>391</b>	<b>395</b>	<b>1%</b>
Rape	126	109	-13%
Other sexual offences	265	286	8%
<b>Domestic Abuse Offences</b>	<b>3,006</b>	<b>2,835</b>	<b>-6%</b>

#### 4.1 Violence with Injury

- There were **1,634 violent offences in 2022** that resulted in injury, this is an increase of 7% compared to 2021 and there is a higher rate of crime per resident compared to the London average.
- **34%** of these offences involved someone **under the age of 25**.
- Suspects were **mainly male**, with more male victims but there are female victims. Under the age of 18 there are more female victims than male.
- Offences more likely to involve **multiple people** when **younger people** involved. 20% of offences the suspect is unknown.
- Violent offences are statistically **more likely to occur on Saturday evenings** between the hours of 6pm and 12am.
- Most offences are **actual bodily harm** which make up 71% of all offences.
- There was a higher proportion of offences involving **knives** for offences involving under 25 year olds (6%).
- Hotspots around town locations, but more concentrated in **Shepherd's Bush** for offences involving young people under the age of 25.

#### 4.2 Domestic Abuse

- There were **2,835 offences** flagged with domestic abuse in 2022, this is a 6% fall compared to 2021 and Hammersmith & Fulham has similar rates of crime per residents compared to the London average.
- Most offences flagged with domestic abuse relate to other DA offences which make up half of all offences, with the next highest being **harassment, stalking or offences** relating to contact (15%), then assault (14%).
- Where the identities have been recorded victims are **most likely female and suspects are male**. Where the identity of the suspect is known or recorded, they are most frequently the partner or ex partner of the victim and aged between 25 – 44 years. However, there were 350 (12%) offences where the suspect was a family member of the victim.
- Hotspots are in **College Park and Old Oak**, with further hotspots around Fulham and Sands End but offences are distributed around the borough as offence most likely to occur in **residential settings**, 61%. There are higher rates in population in Shepherd's Bush Green.

#### 4.3 Sexual Offences

- There are a range of crimes that can be considered as sexual offences, including rape or sexual assault, crimes against children including child sexual abuse or grooming, and crimes that exploit others for a sexual purpose, whether in person or online.
- There were **395 offences** in 2022, this is a similar number of offences (+1%) when compared to 2021 and has a slightly higher rate of crimes per residents when compared to the London average.
- 41% of sexual offences occurred in a **public place** either indoor (24%) or outdoors (17%), then 29% took place in residential locations.
- 28% of sexual offences were **rape offences**.
- **15%** of offences were flagged as **domestic abuse**, with a third of offences which took place in residential locations being domestic abuse related.

- Sexual offences are statistically **more likely to happen on Fridays afternoons between 12pm and 6pm** and less likely to happen on Sunday mornings.
- 75% of offences where the suspect was known **were male on female offences.**
- Offences tend to take place in **Shepherds Bush Green, Hammersmith Broadway and Brook Green**, with higher number in public locations in Shepherds Bush Green and had a higher proportion where the suspects were unknown to the victim.

#### **4.4 Recommendations**

The recommendations below were produced from the data trends in the needs assessment and the consultation responses. Further details on the consultation can be found in section 5.

**Recommendation 1:** *Tackling domestic abuse should remain a continued focus given the high proportion of violence with injury offences which are flagged as domestic abuse (24%) and the greater number of domestic abuse offences compared to violence with injury offences (70% more domestic abuse offences compared to violence with injury offences). Consideration should be given to investing in gaps in current support provision for those affected by domestic abuse, as well as initiatives to support with early intervention, enable desistence in perpetrators, and prevention projects for young people.*

**Recommendation 2:** *Build stronger and more effective responses to serious violence and sexual abuse, taking account of any links between these offences (and domestic abuse) to ensure the most effective services are commissioned. These responses should pay particular attention to (i) the high proportion of violent offences that involve young people under the age of 25, (i) the high proportion of violent offences that involve females under the age of 18, and (iii) the geographical trend for violence and sexual offences to take place around Shepherds Bush Green, Hammersmith Broadway, and Brook Green.*

**Recommendation 3:** *A higher than expected proportion of sexual offences occurred in public spaces (both indoor and outdoor) and were concentrated in specific locations (Shepherds Bush, Hammersmith Broadway and Brook Green). Interventions that aim to reduce sexual violence in the public realm should be targeted at these locations including supporting nighttime economy venues and should be designed in consultation with women and girls across H&F.*

**Recommendation 4:** *Shepherd's Bush Green and Hammersmith Broadway have the most concentrated number of offences for violence with injury and sexual offences. Specific consideration should be given to where violent crimes are taking place.*

**Recommendation 5:** *Interventions should also consider level of trust and confidence in partnership services and look at ways to engage best with victims of violent crime to build relationships to report and access support. Services should be developed collaboratively with residents when possible.*

## **5. Action to Prevent and Reduce Serious Violence**

### **5.1 Strategic Objectives**

Taking account of the Strategic Needs Assessment and the consultation responses below, the local partnership has agreed the following strategic objectives for the next 12 months to prevent and reduce serious violence:

- Engage young people who are vulnerable to violence and exploitation in meaningful and accessible support
- Deliver early intervention initiatives and diversion activities to prevent violence
- Improve support for victims both within and outside of the criminal justice system
- Enhance our collaborative partnership network to improve information and data sharing
- Deliver crime prevention and reduction strategies in our town centres and other key areas
- Improve the safety of public spaces particularly where there have been reports of sexual violence
- Help build trust and confidence between our communities, young people and statutory services

### **5.2 Engagement with the voluntary and community sectors, young people and local business**

Hammersmith & Fulham Council recognises that in order to tackle violence there has to be a holistic and integrated approach with the community, the voluntary and community sector (VCS), local businesses and young people. This has also been recognised as best practise by the Violence Reduction Unit.

Our local violence and vulnerability action plan contains a range of activities that involves communities and neighbourhoods in reducing violence and the actions within will support the strategy.

For example, via the funding of the Violence Reduction Unit's community capacity building grants, we have delivered a number of projects with full integration with the community and VCS partners which have included:

- Parent/ Carer Listening Sessions
- Harrow Club Late Night Project
- Rebel Records
- Residential Trips hosted by Harrow Club

Through the projects, we listened to each other and brought in training and additional projects that enabled us to respond and tackle youth violence and understand the

causes of it (mental health and childhood trauma). A similar approach will continue to be used as part of this strategy.

### **Consultation with Voluntary and Community Sector Partners**

In developing this strategy, we have consulted with voluntary and community sector partners to ensure the key role they play in reducing serious violence is considered in our approach.

A survey and workshop were conducted to engage partners on the current provision of services and discuss what partners felt could be achieved with additional funding.

Organisations that participated in the survey and workshop include Gangs, Violence and Exploitation Unit, Harrow Club, Standing Together Against Domestic Violence (STADA), Metropolitan Police, Fulham Good Neighbours, The Violence Intervention Project, W12 shopping centre, Hammersmith BID, West Youth Zone, The VIP, Turning Point Drug and Alcohol Services, Youth Justice Service, NHS Mental Health Services, Probation Services, On Side Youth Zones, and Advance,

The survey asked respondents to rate the current level of provision for, reducing violence and exploitation affecting young people, tackling domestic abuse, and sexual violence in Hammersmith & Fulham. Respondents rated the provision of services for sexual violence the lowest.

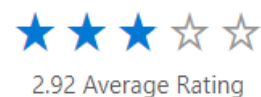
**Reducing violence and exploitation affecting young people**



**Domestic Abuse**



**Sexual Violence**



In the consultation workshop partners were asked what their organisation could do to support the partnership in reducing serious violence, the key themes are shown below.



In both the consultation workshop and survey, respondents were asked what additional support was needed to reduce the level of serious violence and what gaps

there were in the current provision of services. An overview of responses is shown in the table below.

### ***Support needed across all areas of serious violence***

Create a more flexible and easy to use referral system

Work with parents/carers as soon as possible

Additional resources for marginalised communities

Longer term funding

Improved trust and confidence in the police

Improved lighting to ensure safer surroundings

Increased number of safe spaces

Better partnership working

Focus resources on hot spot areas

### ***Support needed for young people effected by serious violence***

Diversionsary activities

Early intervention for families and children

Specialised support for young women involved in gangs

### ***Support needed for sexual violence and domestic abuse***

Support for vulnerable individuals including those who are homeless, substance users or suffering with their mental health

Longer term therapeutic responses for those affected by violence, particularly focusing on mental health and substance misuse

Support for young people in abusive relationships

Training staff to recognise, understand and assist when recognising signs of Domestic Abuse /Sexual Violence and violence

Funding for perpetrator programmes

Support for Nighttime economy venues

### ***Consultation with young people***

A key priority of the H&F Youth Council's Manifesto is to keep young people safe. The youth council have conducted their own research through consultations, workshops with young people and a range of focus group sessions to develop an understanding of which initiatives will help make young people feel safer. This research has also been used to inform our strategy.

A consultation workshop also took place with Hammersmith & Fulham Youth Council to directly discuss the serious violence duty strategy.

Through the workshop and research completed by the Youth Council the key areas that young people have said makes them feel safe are listed in the table below.

Good lighting in areas
Safe places to socialise
More understanding on how young people can report crime anonymously
How to report domestic abuse
Walk in support services, available at suitable times for young people
Education on healthy relationships

During the workshop the Youth Council were also asked if there were any places in the borough that they felt unsafe. Their responses were Shepherds Bush Green, alleyways, and quieter roads. Research carried out as part of the strategic assessment showed that young people also felt unsafe on public transport, and in parks and playgrounds.

The Youth Council members were asked what impact they felt youth violence, sexual violence and domestic abuse had on their community. The table below shows the themes that were highlighted.

#### **Youth Violence**

Young people lack trust and confidence in the police

Lack of support for young people that have reported crimes

Fear of repercussions if young people report a crime to the police

Violence and crime are being normalised particularly due to social media and popular culture

#### **Sexual Violence**

Catcalling might seem small but can have a large impact on young girls

More information and advice needs to be delivered to schools on types of sexual violence and support available

More education in schools on highlighting incorrect and unacceptable language used in popular culture and social media

#### **Domestic abuse**

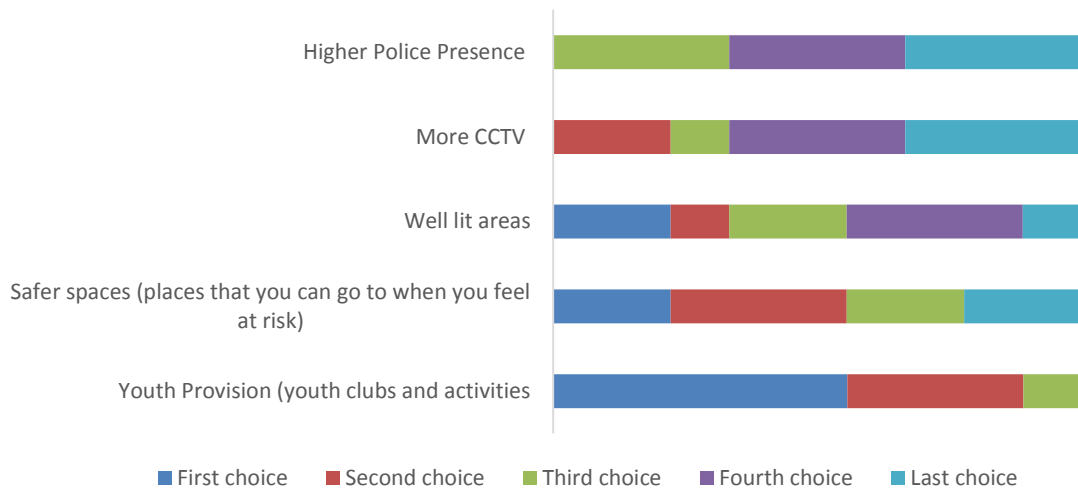
Domestic abuse is seen as a taboo subject and is not talked about enough

More advice in schools for young victims of domestic abuse



Consultation surveys were also completed by young people engaged with the Youth Justice Service (YJS). Young people were asked which of the following initiatives would have the greatest impact on making them feel safe in the borough. The options were higher police presence, more CCTV, well-lit areas, safer spaces and greater youth provision. Over 55% of young people said youth provision (Youth club and activities) was their first choice. The second highest rated was safer spaces, followed by well-lit areas. More CCTV and more police presence were not ranked highly. This echoes the feedback that was given by H&F Youth Council.

Which of the following would have the greatest impact on making young people feel safe



Young people engaged with YJS were asked where they felt money should be invested to reduce youth violence. An examples of responses are below -

- Free sports and youth clubs, many families cannot afford to attend.
- Engage young people who have been affected by youth violence in decision making.
- Have more activity centres especially during half term and holidays that have age-appropriate activities that are of interest to young people.
- Raise awareness on knife crime and the impacts of carrying weapons for protection.
- More money spent on intervention programmes, like knife crime workshops.
- More knife banks and raise awareness on how young people can deposit a knife without fear of prosecution.

YJS users were asked what their biggest fear was whilst in Hammersmith & Fulham. The most common answer was robberies, but also included police presence demonstrating the lower level of confidence between young people and the police.

The YJS cohort were asked if there were any areas in the borough that they felt particularly unsafe. Responses included Shepherds Bush Green and estates such as The Townmead Estate and White City.

### **5.3 Continuing Engagement**

#### *Engagement with young people*

We have spoken to the Youth Council during development of this strategy and their input will continue as we deliver the strategy over the next 12 months.

Hammersmith & Fulham's Onside Youth Zone Team are keen to collaborate with the local authority and we will attend the Young Peoples Development Group meetings with the aim to meet all young people that sit on this panel and introduce the projects that are currently available and will be upcoming. Future discussions will allow us to extend our discussions on their thoughts and perspectives in tackling serious violence and exploitation affecting young people under the age of 25.

#### *Engagement with partners*

The responsibilities of the Serious Violence Duty have been discussed at the Safeguarding Adults Board and the Safeguarding Children's Partnership. Updates will continue to be given at these forums in addition to quarterly to the Community Safety Partnership. We recognise the important role that businesses play in serious violence reduction and the duty has been discussed at the Town Centre forums in Shepherd's Bush Green and Hammersmith Broadway.

### **5.4 Violence and Vulnerability Reduction Action Plan**

The partnership has agreed a range of activity to reduce the risks of violence and vulnerability, in support of the strategic objectives. These are set out within a Violence and Vulnerability Reduction Action Plan.

The plan template contains seven different themes each with a set of mandatory actions as well as a menu of optional actions. The themes within the local plan are:

1. **Governance**- this provides an oversight of the leadership and governance of violence reduction locally, detailing the senior leadership structure as well as interoperability between Community Safety Partnership, Safeguarding Children Partnership, Adults Safeguarding Board and the Health and Wellbeing Board, to support a public health approach to reduce violence
2. **Analysis and Enforcement**- understanding of how analysis and local enforcement tactics are used to disrupt violence locally, including the

Strategic Needs Assessment, monthly tasking meetings and using wider public health data

3. **Reducing Access to Weapons-** how partners are working jointly to minimise access including using Trading Standard initiatives and weapons sweeps
4. **Safeguarding and Educating Young people-** contains actions that include focussing on reducing exclusions, contextual safeguarding, support for children in care and care leavers, working with parents and carers and ensuring schools are safe and inclusive spaces
5. **Working with Communities and Neighbourhoods to Reduce Violence-** ensuring that local delivery works closely with communities to reduce violence including the Voluntary and Community Sector and in particular young people, who are most adversely affected by violence
6. **Supporting Victims of Violence and Vulnerability-** ensuring co-ordinated referral and support to victims and those who are most vulnerable to being exploited
7. **Positive Diversion from Violence-** recognising that children and young people should be offered interventions which help them before or to move away from criminality

As the serious violence definition includes domestic abuse and sexual violence, activity is also being undertaken in support of this through a range of actions, this has included modifying existing actions to encompass this (where relevant) as well as including a new section of actions listed below.

The domestic abuse and sexual violence specific actions are:

- To ensure strong referral pathways from statutory services into local and pan-London specialist support services, including 'by and for' provision for all victims of domestic abuse and sexual offences.
- To ensure all victims and perpetrators can access the support they need- including information on how they can access this support and where they can find more information. This might include the consideration of cross-borough reciprocal agreements.
- Co-ordinate an appropriate local awareness training offer for key professionals coming in to contact with survivors and/or perpetrators- such as health, education, social care and justice- which is refreshed annually.
- Local Authority departments such as children's social care, housing, adults social care and community safety, to ensure policies are in place regarding working with perpetrators of domestic abuse and sexual offences when safeguarding children and the non-abusive parent.

## 6. Identified funding streams or resources that can be used by the partnership for prevention and reduction activities

A wide range of projects are already taking place in the borough to tackle Serious Violence.

Name and source of fund	Description of activity
<b><u>Youth Violence</u></b>	
Children's Services Early Help	<b><u>Safe Families</u></b> Volunteer support for families – step down from FS direct work
Ministry of Justice	<b><u>Turnaround Project 2022-2025</u></b> Voluntary youth early intervention programme to enable Youth Justice Services (YJS's) across England and Wales to support children on the cusp of the justice system and prevent them from going on to offend. This funding allows the Youth Justice Service to reach vulnerable young people in the borough at risk of offending and divert them away from youth justice at the earliest opportunity, achieving positive outcomes for children.
Home Office and Youth Endowment Fund	<b><u>Your Choice</u></b> Your Choice aims to reduce involvement in violence through high intensity cognitive behaviour therapeutic intervention. Your Choice involves the training and supervision of a group of practitioners to deliver an intensive goal orientated programme with young people aged 11-19 (up to 19th birthday) who fall within the medium to high risk of harm outside the home either as a victim and or as a perpetrator.
Violence Reduction Unit uplift + Harrow Club	<b><u>Detached Outreach Project</u></b> Harrow Club deliver projects incorporating a detached outreach service, mentoring and late night safe-space programmes that works with young people who are at risk of significant harm. The aim is to engage young people, aged 14-21+, who are at a high risk of, or currently are, involved in criminality and high-risk behaviour. A detached youth-work model is delivered whereby workers and trained community volunteers engage with young people on the streets late at night and bring them back to the club for free food and fun and interesting/developmental activities.

Violence Reduction Unit Capacity Building Grant/ Serious Violence Duty	<p><b><u>Rebel Records Music Project</u></b> Rebel Records are an independent recording studio and record label based in Parsons Green, Fulham. Rebel's team provide access to the studio for the project to learn music production, writing skills and the next stages of releasing music into the music scene.</p>
Violence Reduction Unit Capacity Building Grant 23/24	<p><b><u>White City Young People/Adult Projects</u></b> Funding provided by the Violence Reduction Unit request that projects are delivered to promote stronger trust and collaboration between the local communities and agencies, increased sustainability of community networks, that have shared commitment to, understanding of, and vision for reducing violence. The funding provides for, amongst other initiatives weekly parent / carer network meetings, late night project for young people and a residential for young people in half term.</p>
Violence Reduction Unit Uplift Grant/ S106	<p><b><u>The Lyric Theatre Project</u></b> The Lyric Theatre are to develop a touring theatre production based on the themes of the Gangs, Violence, Exploitation, County Lines and Serious Youth Violence. This project is designed to educate young people to serve as an intervention to keep themselves and their families safe and support in the reduction of future crime within the borough. The project aims to be staged at primary/ secondary schools, youth clubs and pupil referral units within the borough.</p>
Family Hubs Transformation Fund – Department of Education: <a href="#">Family hubs transformation fund: successful local authorities - GOV.UK (www.gov.uk)</a>	<p><b><u>Family Hubs</u></b> Family Hubs will be launched in March 2024 in H&amp;F. Family Hubs offer a platform to work together as a partnership to support children and young people through positive intervention, from pre-birth to adulthood. They are a single point of access to help families navigate and receive the support they need when they need it. A Family Hub should function across a spectrum, from a place to meet and offer drop-in activities, finding out more information about the support available in their local area, and routine appointments, to crisis support. Family Hubs are more than just a building. The principle of a Family Hub model focuses on improving the join up between local partners, planning and delivering services in a place-based way.</p> <p>Our Youth Justice Services and our Gangs Violence and Exploitation Unit are a part of the family hub model. The IDVA service as well as our Sexual Health service is also linked into the family hub. Training is being provided for our Family Hub staff on the topic of Youth Violence and Domestic Abuse.</p>

Children's Services Early Help	<p><b><u>Round Midnight</u></b> Virtual decisions VR education programme. Early intervention for CYP at risk of criminal exploitation</p>
Children's Services Early Help	<p><b><u>ASE – FS Framework</u></b> Mentoring alongside/after FS practitioner work. Targeted at CYP at risk of crime, worklessness, homelessness +</p> <p>ASE's I- MPOWER Mentoring Programme -offers tailored, holistic, early help intervention for disadvantaged children, young people and families. They also offer a Parent/Carer Champion network, which provides additional support and knowledge for parents and carers with young people at risk of youth violence and exploitation.</p> <p>Providing mentoring and counselling support to vulnerable young people including transition support and support in PRUs.</p>
	<p><b><u>West London NHS Trust – Forensic Child and Adolescent Health Services</u></b></p>
	<p><b><u>West London NHS Trust - Youth Justice Liaison and Diversion (YJLD)</u></b></p> <p>This service ensures that the specialist needs of children and young people in custody or youth justice setting are met promptly.</p> <p>Issues relating to consent, capacity and legislation must be considered, as well as a range of clinical, safety and safeguarding risks.</p>
	<p><b><u>West London NHS Trust - Liaison and Diversion Service (L&amp;DS)</u></b></p> <p>The liaison and diversion service provides specialist mental health assessment for people with vulnerabilities, including mental health concerns, who are in the criminal justice system. This means the person might be in court or a police station, or with a youth offending team (YOT).</p> <p>The team of specialist nurses, social workers, occupational therapists and doctors provide care for adults and</p>

	children who need support during what can be a very stressful experience
-Violence Reduction Unit	<p><b><u>Inclusion and nurturing schools programme</u></b> - Preventing Social exclusion and healthy relationships.</p> <p>The programme aims to keep children safe, supported, and thriving in school, tackle exclusions, and ensure children and young people have healthy relationship behaviours and attitudes.</p> <p>The programme will last for a period of 3 years to offer an intensive support to schools with two strands:</p> <p><b>Nurturing perspective</b> To look at inclusion to maintain high levels of school attendance and positive sense of belonging with a long-term aim to minimise exclusion</p> <p><b>Healthy relationships</b> Including how to support those who are challenged by this from a whole school perspective.</p> <p>The INS will also focus on decolonising the curriculum and support schools in taking anti-racist approach. This programme has been rolled out by Family Support to 10 schools from April 2023</p>
<b><u>Domestic Abuse and Sexual Violence</u></b>	
-Local authority budget (Community Safety Housing & Childrens Services)	<p><b><u>Co Located Independent Domestic Violence Advocate (IDVA)</u></b></p> <p><b><u>Impact Project</u></b> – dedicated support to domestic abuse victims that are going through the criminal justice process, improving the criminal justice response to DA and strengthening integrated working between partner agencies.</p>
-London Crime Prevention Fund	<p><b><u>Housing IDVA</u></b> – Specialist IDVAs supporting survivors of domestic abuse who approach LBHF for housing or are living in the borough</p> <p><b><u>Childrens IDVA</u></b> – Specialist IDVA working with non-abusive parent who is experiencing domestic abuse who are working with children’s social care to improve outcome for them and their children</p>
-Local Authority,	<b><u>Co Located Independent Domestic Violence Advocate (IDVA) – within an A&amp;E department-</u></b>

Imperial College Health Charity	The aim of the project is to deliver a co-located IDVA with health expertise to improve outcomes for survivors of domestic abuse in the borough, by providing targeted independent domestic abuse advocacy and support for women who approach Charing Cross Emergency department for help, as a result of domestic abuse or where domestic abuse is a contributory factor. The IDVA will explain housing, welfare, civil and criminal legal options to clients, and develop individual safety plans to meet needs and address individual risks clients face.
<p>-London Crime Prevention Fund</p> <p>-Local Authority budget – Community Safety and Public Health</p>	<p><b><u>Angelou Partnership</u></b></p> <p>The Angelou Partnership brings together the specialisms of ten organisations to deliver a streamlined and holistic approach to tackling issues of violence that disproportionately affect women and girls. This includes Domestic abuse, sexual violence, harmful practises and honour based abuse.</p> <p><b><u>Advance</u></b> - Lead organisation for the partnership. Specialists working with women who have experienced domestic abuse</p> <p><b><u>Al Hasaniya</u></b>: Specialists in domestic abuse within Arabic communities</p> <p><b><u>Women and Girls Network</u></b>: Engaging and educating younger women</p> <p><b><u>Galop</u></b>: supporting LGBT+ people who are victims of domestic abuse, sexual violence, hate crime, so called conversion therapies, honour based abuse, forced marriage, and other forms of abuse.</p> <p><b><u>Hestia</u></b>: For women who have experienced domestic abuse. Specialist in family work, refuges and group work</p> <p><b><u>IKWRO</u></b>- Provides advice and support to Middle Eastern women and girls living in the UK facing ‘honour’ based violence, domestic abuse, forced marriage or female genital mutilation.</p> <p><b><u>DVIP</u></b>- For perpetrators with services across London, DVIP work to stop domestic violence and to reduce the harm it causes to women, children and families.</p> <p><b><u>Standing Together Against Domestic Violence</u></b>: An umbrella organisation which supports access to services and awareness raising</p> <p><b><u>Solace Women’s Aid</u></b>: Holistic and empowering, working alongside survivors to achieve independent lives free from abuse</p> <p><b><u>Woman’s Trust</u></b>: Therapeutic support for women ready to explore and recover from their experiences</p> <p><b><u>Sexual Violence Helpline   Women and Girls Network</u></b>: support for women and girls 14+ who have experienced sexual violence</p>
-Local Authority, Community Safety	<b><u>Refuge (Women)</u></b> – 14 bed spaces refuge for women and their children affected by domestic abuse
-Local Authority Childrens Services -MOPAC grant	<b><u>Safer Together</u></b> – This joint project with several London boroughs is designed to improve the way children’s services and partner agencies respond to domestic abuse and engage with perpetrators, and to provide better support and protection for adult and child survivors.



	<p>The model is based on three key principles:</p> <ol style="list-style-type: none"> <li>1. Keeping children Safe &amp; Together with their non-abusive parent, ensuring safety, healing from trauma, stability, and nurturance.</li> <li>2. Partnering with the non-abusive parent as a default position ensuring efficient, effective, and child-centred practice.</li> <li>3. Intervening with the perpetrator to reduce the risk and harm to the child through engagement, accountability, and criminal justice.</li> </ol>
-Local Authority Community Safety Budget	<b><u>Harmful practices coordination and operational group management –</u></b> lead our response to harmful practises and lead the harmful practise group, risk and review group and special services group
-Local Authority – children’s services, adults social care, community safety	<p><b><u>MARAC and Special Domestic Violence Courts coordination –</u></b>  Coordination of best practice monthly MARAC (multi agency risk assessment conference). The MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. The panel discuss options for increasing safety for the victim and turn these options into a co-ordinated action plan. The primary focus of the MARAC is to safeguard the adult victim.</p> <p>Weekly Special Domestic Violence Courts – provides dedicated times for court slots to hear local domestic violence and abuse cases. The Magistrates sitting in the SDVC have been trained in domestic abuse as have the Legal Advisors, the Crown Prosecution Service, the Probation Service and the Witness Service.</p>
-Local Authority public health and Childrens Services	<p><b><u>Children and health Coordination –</u></b>  The children &amp; health coordinator provides extensive training to health and children’s social care colleagues working in our borough to improve responses to victims and survivors and their children and increase referrals to MARAC for high risk cases. In the year 22-23 they have trained 1,043 practitioners across the 3 boroughs. Sessions delivered have included domestic abuse, domestic abuse and coercive control, DA &amp; Child Safeguarding training</p>
-Local Authority Housing budget	<b><u>Sanctuary scheme coordination –</u></b> coordinated by Standing Together the provision of interventions to improve the security of victims/survivors properties to still safe in their home

-Public Health	<b>Midaye –</b> work in hospitals across H&F, WCC and RBKC. Victims and survivors of FGM, accessing hospitals in local area and raise awareness within communities around harmful practises including work with men and boys.
-Home Office funding for perpetrator interventions	<b>Drive Programme -</b> Drive works with high-harm perpetrators to reduce abuse and increase victim/survivor safety. Drive employs a whole-system approach using an intensive case management system alongside a coordinated multi-agency response. The intervention is individually tailored and can be composed of support work, behaviour change, and disruption actions. Working closely with local police and agencies, case managers provide support for overcoming barriers, like alcohol/drug misuse, housing, mental health, while also working to change behaviour. Drive also uses disruption techniques like civil protection orders and the criminal justice system.
-Home Office funding for perpetrator interventions	<b>Culturally Integrated Family Approach (CIFA) -</b> This project provides a focused & coordinated family & community approach for marginalised groups to identify issues and need through a specialised suitability assessment and interventions. The project will be delivered as part of an intersectional approach, reflecting the various parts of the victim and perpetrators' identities (rather than focusing on just one identity marker e.g., gender or race) when working with the family. The programmes includes – <ul style="list-style-type: none"> <li>• CIFA 1-2-1 - 1:1 culturally informed programme for medium-high risk men and tailored to their intersectional identity and needs.</li> <li>• Female Awareness of Domestic Abuse (FADA) – delivery for female perpetrators within either a same sex or heterosexual relationship.</li> <li>• Familial Domestic Abuse Intervention – working with adults abusing their parents, including elder abuse.</li> <li>• Respectful Partnerships – Working with LGBT+ clients to address cultural or historical influences behind specific abusive behaviours and how it is perceived in the community.</li> <li>• Safety Support Service – Angelou and co-located IDVA's will support the victim/survivor.</li> <li>• Outreach sessions –DA awareness work and reach out to groups, e.g., multi-faith forums, increasing engagement of racialised and marginalised groups and raising awareness on VAWG.</li> </ul>
	<b>Bambu -</b> Bambu is a service that aims to provide tailored, specialist support to meet the holistic needs of children and young people impacted by domestic abuse in the home, while working in a multi-agency approach. Individuals aged 11-15 will have access to the following services – <ul style="list-style-type: none"> <li>• Play Therapy sessions</li> </ul>

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Resilience sessions</li><li>• Child and Adolescent Parent Violence (CAPV) Programme</li></ul> <p>Individuals aged 16-24 will have access to the following services –</p> <ul style="list-style-type: none"><li>• Child and Adolescent Parent Violence (CAPV) Programme</li><li>• Individual trauma focused cognitive behavioural therapy sessions</li><li>• Trauma focused group-work and restorative family sessions</li></ul> |
|--|---|

## 7. Additional strategies

Several strategies include objectives that will support the reduction of serious violence in the borough and will support the delivery of the serious violence duty.

<a href="#">Violence Against Women and Girls Strategy 2022 to 2027</a>
<a href="#">Ending Modern Slavery In Hammersmith and Fulham 2021 to 2026</a>
<a href="#">Anti- hate Crime Strategy 2019 -2023</a>
<a href="#">Youth Justice plan</a>
<a href="#">London reducing reoffending plan</a>
<a href="#">Community Safety Partnership plan</a>
<a href="#">Youth Crime Prevention Strategy 2021- 2026</a>
<a href="#">Early Intervention Strategy 2022-2027</a>

### **Publishing of the Strategy**

The Strategy document will need to be published on the council's website by 31<sup>st</sup> January 2024.

### **Date for review/annual review mechanism**

This Strategy document will be reviewed annually, with the next review due by January 2025.

Progress of this strategy, the objectives set out within it and the local action plan, will be reviewed at least quarterly through the Community Safety Partnership or equivalent local partnership meeting.

## Appendix 1

*Definition of Domestic abuse from the Domestic Abuse Act 2021:*

- 1) This section defines “domestic abuse” for the purposes of this Act.
- (2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
  - (a) A and B are each aged 16 or over and are “personally connected” to each other, and
  - (b) the behaviour is abusive.
- (3) Behaviour is “abusive” if it consists of any of the following—
  - (a) physical or sexual abuse;
  - (b) violent or threatening behaviour;
  - (c) controlling or coercive behaviour;
  - (d) economic abuse (see subsection (4));
  - (e) psychological, emotional or other abuse;and it does not matter whether the behaviour consists of a single incident or a course of conduct.
- (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to —
  - (a) acquire, use or maintain money or other property, or
  - (b) obtain goods or services.
- (5) For the purposes of this Act, A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- (6) References in this Act to being abusive towards another person are to be read in accordance with this section.
- (7) For the meaning of “personally connected”,

*It should be noted that in Chapter 3 of the Statutory Guidance of the act, it recognises that domestic abuse can encompass a range of behaviours, including abuse that is physical, violent or threatening behaviour, sexual abuse, controlling & coercive behaviour, harassment or stalking, economic abuse, emotional or psychological abuse, verbal abuse, technology-facilitated based, abuse relating to faith, ‘honour’-based abuse, forced marriage and female genital mutilation.*

## APPENDIX 2 - H&F Equality Impact Analysis Tool

### Conducting an Equality Impact Analysis

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative, or unlikely to have a significant impact on each of the protected characteristic groups.

Page 358 The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

## General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense, and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. Further advice and guidance can be accessed from the separate guidance document (on the intranet) or [ACAS - EIA](#). Or you can contact the councils Equalities Lead (see below).

## H&F Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	Q3 of 2023/2024
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: SERIOUS VIOLENCE DUTY STRATEGY</p> <p>In December 2019, the government announced that it would bring forward legislation to create a new Serious Violence Duty, under the Police, Crime, Sentencing and Courts Act (PCSC) 2022.</p> <p>The Duty requires specified authorities to work together to prevent and reduce serious violence, including identifying the kinds of serious violence that occur in the area, the causes of that violence, and to prepare and implement a strategy for preventing and reducing serious violence.</p> <p>The Hammersmith &amp; Fulham Serious Violence Duty Strategy has been co-produced with partners, including young people, the voluntary and community sector, businesses, the Metropolitan Police, Health colleagues and the Youth Justice Service. The Strategy has been produced alongside a strategic needs assessment that has identified current and long-term trends of serious violence across the borough, including victim and suspect profiles, locations and timings of offences. Together with the consultation, the strategic needs assessment has allowed us to develop a strategy that is collaborative and data informed.</p> <p>The Serious Violence Duty Strategy must be published on the website by 31<sup>st</sup> January 2024.</p>
Lead Officer	<p>Name: Laura Seamons            Position: Service Transformation Lead for Community Safety            Email: <a href="mailto:laura.seamons@lbhf.gov.uk">laura.seamons@lbhf.gov.uk</a>            Telephone No: 07786965292</p>
Date of completion of final EIA	16/11/23

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Section 02	Scoping of Full EIA
Plan for completion	Timing: Completed throughout November 2023



**Analyse the impact of the policy, strategy, function, project, activity, or programme**

Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral, or negative impact on equality, giving due regard to relevance and proportionality.

Protected characteristic	Analysis	Impact: Positive, Negative, Neutral
Age	<p>The Serious Violence Duty specifically focuses on violence and exploitation effecting young people under the age of 25. The strategy highlights what further interventions are needed to protect young people, so the strategy will have a positive impact on young people in the borough.</p> <p>The duty covers sexual violence and domestic abuse of all age groups. By identifying gaps in service provision this should help support all age groups effected by sexual violence and domestic abuse.</p> <p>Included within the strategic needs assessment are victim and suspect profiles broken down into age groups so it is possible to see if any targeted interventions are needed for a particular age group.</p> <p>We consulted with the H&amp;F Youth Council and young people engaged with the criminal justice system to ensure the views of young people were considered and included in the strategy.</p>	<p>Positive</p> <p>Positive</p> <p>Positive</p> <p>Positive</p>
Disability	<p>The strategy is aimed at all residents, irrespective of Disability.</p> <p>An easy read version of the strategy will be made available.</p> <p>The strategy recognises that long term therapeutic responses particularly focusing on mental health are needed for victims of violence.</p>	<p>Neutral</p> <p>Positive</p> <p>Positive</p>
Gender reassignment	<p>The strategy is aimed at all residents, irrespective of Gender reassignment.</p>	<p>Neutral</p>

Marriage and Civil Partnership	The strategy is aimed at all residents, irrespective of marriage and civil partnership.	Neutral
Pregnancy and maternity	Pregnancy can be a risk factor for domestic abuse and existing abuse may get worse during pregnancy or after childbirth. The data in the strategy increases our knowledge of those most at risk and allows us to target support to those most in need as well as educating younger generations on healthy relationships. This will have a positive impact on the number of reports of domestic abuse during pregnancy and shortly after childbirth.	Positive
Race	The strategy is aimed at all residents, irrespective of race.	Neutral
	The strategic needs assessment acknowledges that recent survey data found that levels of trust and confidence in the police vary between ethnic groups and younger people expressed concerns around disproportional use of powers such as Stop & Search against black and ethnic minorities. A recommendation has been included in the strategy to consider interventions that increase the level of trust and confidence in statutory services to better engage with victims of crime.	Neutral
	A diverse group of young people from the youth justice service and H&F Youth Council were involved in the co-production of the strategy. This has helped to ensure that intersectionality and ethnicity were considered in the strategy.	Positive
	The voluntary and community sector partners that attended the consultation workshop and that completed the consultation survey represent a diverse range of community groups.	Positive
Religion/belief (including non-belief)	The strategy is aimed at all residents, irrespective of religion/belief.	Neutral
	The consultation survey was sent to faith groups in the borough, unfortunately we did not receive a response.	Neutral
Sex	The strategy includes analysis on the sex of the victim and suspect of violence with injury, sexual violence, and domestic abuse offences.	Neutral
	The data has highlighted that domestic abuse and sexual violence disproportionately affects women and girls, and the suspect is most likely a male.	Neutral

	<p>In 2022 for sexual offences where the suspect was known, 75% of offences were male on female offences. Violence with injury effects both males and females, but the suspect is more likely to be a male.</p> <p>Community and charity partners representing women completed the consultation survey and attended the consultation workshop. This was to ensure that the gendered nature of offences was appropriately considered, and these partners could also identify gaps in the current level of provision.</p> <p>The consultation highlighted where partners thought there was a current lack of support and initiatives for young female victims of crime and male perpetrators.</p>	<p>Positive</p> <p>Positive</p>
Sexual Orientation	The strategy is aimed at all residents, irrespective of sexual orientation.	Neutral
People with Care Experience	<p>The strategy is aimed at all residents, irrespective of whether a person has experience of the care system.</p> <p>Nationally, care experienced young people are more likely to come into contact with the youth justice system. 7% of care experienced young people come into contact with the youth justice system compared to 3% of all young people. In H&amp;F, between April 2020 and March 2022, 46 care experienced children came into contact with the youth offending team; 27 during 2020/21 and 19 during 2021/22. In the borough, care experienced children account for 29% of young people who came into contact with the youth justice system, i.e. they are over-represented in our local youth justice system, similar to the rest of the country.</p> <p>Several of the respondents of the Youth Justice Service consultation have experience of the care system. These individuals gave a similar response to other users on what makes them feel safe and unsafe in the borough.</p>	<p>Neutral</p> <p>Neutral</p> <p>Neutral</p>

#### Human Rights or Children's Rights

If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice

	<p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children’s Rights, as defined by the UNCRC (1992)? No</p>
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<b>Section 03</b>	<b>Analysis of relevant data</b> Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
<b>Documents and data reviewed</b>	<p>The strategic needs assessment was completed in August 2023 and is intended to enable partners to identify current and long-term issues relating to serious violence and those most vulnerable to involvement in the local area. This provides a greater understanding of established and emerging serious violence trends, priority locations or other high-risk issues.</p> <p>The strategic needs assessment has been developed following an evidence-based analysis of data relating to violence, as well as broader datasets including those in relation to deprivation and health.</p> <p>The strategic needs assessment has looked at the critical areas of violence and vulnerability within the definition of serious violence, including violence affecting those under the age of 25, domestic abuse and sexual violence.</p> <p>In assessing each of the critical areas, the analysis has looked at locations that have a higher risk of violence and temporal factors, such as the times of greater and lesser offending, including the times of day, days of the week and seasonal trends through the year. The analysis has also looked at the profile of victims and offenders of violence, in order to understand the risks and opportunities for prevention.</p>

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<b>Section 04</b>	<b>Consultation</b>
<b>Consultation</b>	<p>The strategy has been co-produced with young people, the voluntary and community sector, business partners, and statutory services including the Metropolitan police, health services, London Fire Brigade, and Youth Justice Service.</p> <p>A survey was circulated widely amongst professionals to understand, the current level of provision of services to tackle serious violence in the borough, the biggest areas of concern in the borough, and where professionals felt that more support was needed.</p>

	<p>A workshop took place with the voluntary and community sector to discuss the recommendations included in the strategy, overview of the strategic needs assessment, and to discuss future potential funding opportunities.</p> <p>We liaised with the H&amp;F Youth Council to understand the concerns of young people in the borough, particular locations they felt unsafe, and what additional services they would like to see in the borough. Surveys were also completed with the young people who are engaged with the Youth Justice Service.</p> <p>The Serious Violence Duty Working Group was established to ensure the strategy was produced collaboratively with all duty holder. This groups includes representatives from the Metropolitan Police, Heath Services, Youth Justice Service, the Gangs Violence and Exploitation Unit, amongst others.</p> <p>The Serious Violence Duty survey was completed in July 2023.</p> <p>The consultation workshop with voluntary and community sector partners was held in September 2023.</p> <p>A workshop with the H&amp;F youth council was held in September 2023.</p> <p>Surveys were completed with users of the Youth Justice Service in October 2023.</p> <p>The Serious Violence Duty working group had monthly meetings starting in May 2023.</p>
<p><b>Analysis of consultation outcomes</b></p>	<p>The consultation responses helped formulate the recommendations, so that they reflect the opinion of a wide range of service providers and young people in the borough. The recommendations and wider feedback supported the Serious Violence Duty Working Group to identify the priority projects to be funded using serious violence duty funding. It will also help to shape and inform the partnerships wider approach to tackling crime and anti-social behaviour in the borough and enhance the council's existing service provision, including the Gangs, Violence and Exploitation Unit, Law Enforcement Team and Violence Against Women and Girls (VAWG) Strategy.</p>

<p><b>Section 05</b></p>	<p><b>Analysis of impact and outcomes</b></p>
<p><b>Analysis</b></p>	<p>The Serious Violence Duty Strategy will not have a negative impact on any of protected characteristics.</p> <p>The strategic needs assessment does not show a link between hate crimes and violent offences. We will continue to monitor this through both the serious violence duty and the Hate Crime Strategy.</p> <p>The Strategic Needs Assessment has highlighted where additional resources can be best utilised to improve the</p>

	<p>partnerships existing service provision, for example to support young females affected by serious violence where this will have a positive impact on this group.</p> <p>The consultation highlighted other areas that additional resources may be required – including long term mental health support for those who have been a victim of serious violence, and support for young people in school around healthy relationships and sexual violence.</p>
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<b>DX`</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>A`QZz</b>	<p>Include an easy read version of the strategy when it is published on the website.</p> <p>This EQIA will be revisited and reviewed annually alongside the Serious Violence Duty Strategy and Strategic Needs Assessment. As further data becomes available the strategy and strategic needs assessment will be further refined to continue to improve our understanding of how serious violence disproportionately affects residents with different protected characteristics.</p>

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<b>Section 07</b>	<b>Action Plan</b>
<b>Action Plan</b>	<p><b>General actions to reduce the risk of adverse impacts on any specific groups include:</b></p> <p>None</p>

<b>Section 08</b>	<b>Agreement, publication and monitoring</b>
<b>Chief Officers' sign-off</b>	<p>Name: Matthew Hooper          Position: Director, Public Protection          Email: <a href="mailto:matthew.hooper@lbhf.gov.uk">matthew.hooper@lbhf.gov.uk</a>          Date: 15.11.23</p>
<b>Equalities Lead (where involved)</b>	<p>Name: Corinne Baker          Position: Graduate EDI &amp; HR Policy Officer          Date advice / guidance given: 9/11/2023          Email: <a href="mailto:Corinne.Baker@lbhf.gov.uk">Corinne.Baker@lbhf.gov.uk</a></p>

## London Borough of Hammersmith & Fulham

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Decision to acquire Lillie Road Rough Sleepers Hostel

**Report of:** Councillor Frances Umeh, Cabinet Member for Housing and Homelessness

**Report authors:** Roy Morgan Assistant Director of Housing Management  
Alice Hainsworth Head of Homeless and Prevention  
Lucy Baker, Prevention and Rough Sleeping Commissioning Manager  
Richard Shwe, Director of Housing

**Responsible Director:** Jon Pickstone, Strategic Director of Economy

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### SUMMARY

This report requests that Cabinet approves the decision to acquire the property in Lillie Road (“the Property”). The property is a hostel building that has formed part of the Council’s commissioned single homeless and rough sleeping pathway for several years, providing thirteen bed spaces.

The property is currently managed by *St Mungo’s* and owned by a Registered Provider named *Home Group*. In early 2023, *Home Group* informed the Council of its intention to dispose of the property, a decision which threatens the accommodation and wellbeing of the residents and the overall resilience of the single homeless and rough sleeping supported accommodation pathway.

This report follows the conclusion of a robust options appraisal that determined acquisition of the property to be the best option available to the Council in the current circumstances. The Council has successfully negotiated a competitive purchase price, including a grant contribution from the Greater London Authority (GLA) detailed in Appendix 1.

Cabinet is asked to approve a series of recommendations that will enable officers to complete the purchase of the property, a decision that will protect both the current occupiers of the property and the long-term sustainability of the Council’s single homeless and rough sleeping supported accommodation pathway.

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## RECOMMENDATIONS

That Cabinet:

1. To note that Appendix 1 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. To approve the purchase of the property on Lillie Road named in the exempt Appendix 1 for the total purchase price as set out in the exempt Appendix 1.
3. To note that the acquisition is to be funded by a combination of General Fund borrowing and grant from the Greater London Authority, and therefore approve the creation of a capital budget as detailed in exempt Appendix 1.
4. To authorise the Strategic Director of Economy in conjunction with the Assistant Director of Legal Services to enter a contract for the sale and transfer deed for the purchase of the property, subject to a positive conclusion to the due diligence process.

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**Wards Affected:** Munster

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	Ensuring that vulnerable homeless residents have access to supported accommodation is vital to their ability to develop their independence, including access to education and employment, to build inclusive economic growth across the borough.
Creating a compassionate council	As a compassionate council, our acquisition of this property supports the council's value of reducing homelessness and ending rough sleeping and the harm it causes to individuals and communities.
Being ruthlessly financially efficient	The cost of acquisition and refurbishment is being supported through a successful application to the Greater London Authority (GLA's) Supported Housing Accommodation Programme (SHAP).



Taking pride in H&F	This acquisition and refurbishment of the property will deliver high quality accommodation with support on site for homeless people living in H&F. This will be a source of pride to residents of the borough.
Rising to the challenge of the climate and ecological emergency	The current support provider for the building is monitored to ensure they are contributing to reducing food waste and repurposing furniture. Staff support residents to increase their understanding of the climate and ecological emergency. The refurbishment of the building is an opportunity to consider its energy efficiency.

## Financial Impact

The financial implications of the proposed property acquisition are detailed in Appendix 1, the contents of which are exempt for commercial reasons.

Andre Mark, Head of Finance (strategic planning and investment), 27 November 2023  
Verified by Sukvinder Kalsi, 27 November 2023

## Legal Implications

Section 1(1) of the Localism Act 2011 confers a general power of competence on the Council and provides that a local authority may do anything that individuals generally may do, even though they are in nature, extent or otherwise:-

- a) unlike anything the authority may do apart from subsection (1): or
- b) unlike anything that other public bodies may do.

Section 1(4) of the Localism Act 2011 states that (subject to certain restrictions that do not apply in this instance) where subsection (1) confers power on the authority to do something, it confers the power to do it in any way whatever, including:

- a) power to do it anywhere in the United Kingdom or elsewhere,
- b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and
- c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.

Section 111 of the Local Government Act 1972 provides that a local authority shall have the power to do anything (whether or not involving the expenditure, borrowing

or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

Further, section 9(1)(b) of the Housing Act 1985 permits the Council to acquire houses in order to provide housing accommodation.

Finally, the Council also has a duty under part 7 of the Housing Act 1996 to prevent homelessness and provide assistance to people threatened with or actually homeless. By acquiring the Property, the Council will help to fulfil this duty and ensure the overall resilience of the single homeless and rough sleeping supported accommodation pathway is not compromised.

Article 12 of the Constitution sets out the decision-making principles of the Council and defines Key Decisions and the requirements in respect of Key Decisions. A Key Decision includes a decision that is likely to result in significant expenditure for the Council. The Cabinet Member for Housing and Homelessness has the portfolio for acquisitions and improvements to the Council's housing stock and is tasked with making recommendations to the Cabinet on Key Decisions relating to matters within their portfolio. The Council's Financial Regulation provide that decisions on acquisitions above £300,000 must be made by the Cabinet.

*Implications completed by Afshan Ali-Syed, Senior Property Solicitor, Property and Planning Team 07887651197 on 19 October 2023.*

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## **Background Papers Used in Preparing This Report**

None

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## **DETAILED ANALYSIS**

### **Proposals and Analysis of Options**

#### **Background**

1. The property in Lillie Road is an important building within the Council's commissioned single homeless and rough sleeping supported accommodation pathway. It provides 13 bed spaces and is comprised of four 1-bedroomed flats and three 3-bedroomed flats. The property layout is such that, unlike many other buildings in the pathway, it has much needed level-access accommodation for homeless people with mobility issues. It is in the south of the borough, whereas many of the other buildings within the pathway are concentrated within the north.
2. The freeholder is *Home Group*, a national Registered Provider. The building is operated by *St Mungo's* who are contracted to deliver the on-site support and some housing management functions to residents for the Council's commissioned borough-wide single homeless and rough sleeping supported

accommodation pathway. The building is one of eight within the commissioned pathway.

3. In early 2023, *Home Group* informed the Council that it intended to pursue a divestment strategy that includes the Lillie Road property. This decision follows a divestment trend that the Council is observing across the supported housing sector.
4. Owing to the rising numbers of people sleeping rough in H&F and across London, and a shortage of available buildings that are also suitable, there is no capacity to accommodate a potential loss of thirteen bed spaces elsewhere within the pathway, nor is there an appropriate alternative site to which the existing service could be relocated. There is also little appetite among provider partners to acquire the property.
5. *Home Group* is under no obligation to sell the property to the Council; a sale on the open market would likely constitute an end to the building's current use as part of the Council's rough sleeping pathway. In May 2023 the Director of Housing wrote to *Home Group* highlighting the impact of divestment to the sector and that the Council requested to have first refusal to acquire the property as an ongoing concern, subject to a viable appraisal.
6. To avoid a situation whereby the property is sold on the open market to a private buyer and the building is lost to the pathway, it is recommended that the Council acquire the property. This decision supports the Council's commitment to end rough sleeping and homelessness and its commitment to operate with ruthless financial efficiency. The purchase is supported by a GLA grant contribution and mitigates rising costs of temporary accommodation.

### **Due diligence**

7. As exempt Appendix 1 describes in greater depth, the proposed terms of the transaction meets the Council's agreed financial viability benchmarks that all new property development or acquisition must achieve, insofar as it finances itself over a long-term period based on the income that the Council will receive as the landlord.
8. The due diligence process continues to ensure that as a council we follow due diligence in this property acquisition transaction that will conclude in a positive result ensuring all legal, financial, and technical compliance occurs.
9. Indicative legal searches have been undertaken and no issues were identified. The final decision to purchase and enter contract will be subject to a full conveyancing process and assurance on the terms of funding agreements with the GLA. As there will be both new and historic GLA grant within the property, the Council must adhere to GLA grant conditions which deem the grant either partly or in full repayable if the property's use as supported accommodation, as accommodation for statutory or non-statutory homeless, or as general needs affordable accommodation, was to cease, or if the Council decided to sell the property.

10. A condition survey was commissioned to assess the costs of any immediate remediation works, so that the Council has been able to factor upfront capital costs into the purchase price. The Council has also received details of the current costs of ongoing repairs and maintenance to ensure that the ongoing maintenance costs do not jeopardise the business case to acquire the property.
11. A full structural and more detailed condition survey will be undertaken as part of pre-contract due diligence to verify the accuracy of forecasted repairs and maintenance costs, as well as to ensure that there are no other significant safety issues such as the presence of RAAC concrete.
12. An independent valuation of the property has been undertaken and verified with the Council's internal valuation team, to ensure that the Council is securing best value. The purchase price that the Council has agreed with *Home Group* is significantly below the determined market value of the property, and the Council has explored all opportunities for further reductions.
13. The transaction is also supported by a GLA grant contribution which reduces the net cost to the Council and enables the Council to fund the initial refurbishment costs, which should serve to reduce the cost of repairs and maintenance in the coming years. Details of the valuation, the negotiated price, and the negotiated grant rate are provided in exempt Appendix 1.
14. If the recommendations are approved, Cabinet will authorise the Strategic Director of Economy in conjunction with the Assistant Director of Legal Services to enter into a contract for the purchase of the property. This decision will be subject to a separate report which considers the full findings of the due diligence process (including the conveyancing due diligence), once entirely concluded.
15. It is because of the growing need for accommodation for homeless residents across the borough, the existing shortage of hostel accommodation, and the commercially beneficial negotiation with *Home Group* that officers recommend the acquisition of the property in Lillie Road.

### **Options**

*Option One – Approve the decision to acquire the property in Lillie Road (recommended)*

16. The recommended option is to approve the recommendations within this report and enable the acquisition of the property in Lillie Road. This option will result in the Council acquiring *Home Group's* current freehold interest in the building, sustaining the current service for thirteen homeless people.

*Option Two – Do Nothing*

17. This option would constitute a refusal of the report's recommendations and halt the process of purchasing the property. Owing to *Home Group's* preference to dispose of the property within the current financial year, and the prolonged

negotiations that have already taken this place, it is unlikely that the Council will be able to negotiate an improved position. It is likely that the building would subsequently be sold on the open market and all current residents would be displaced.

## Reasons for Decision

18. This decision is sought in order to comply with Appendix G of the *Financial Regulations 2021*.
19. The acquisition of the property in Lillie Road will assist the Council in achieving its strategic ambitions to tackle homelessness and end rough sleeping in the Borough. In 2017-18, an independent Rough Sleeping Commission was established to review local services and make recommendations to help the Council deliver our policy objective of zero rough sleeping. These recommendations informed the Council's Procurement Strategy for rough sleeping services that was approved by Cabinet in 2021. This included tendering for one support contract for the whole hostel pathway for which *St Mungo's* was the successful tenderer.
20. The property in Lillie Road is a fully occupied building within the commissioned hostel pathway. All residents are homeless or former rough sleepers, and all residents have complex support needs which mean they require on-site staffing by *St Mungo's* which will remain in place after purchase.
21. The support contract with *St Mungo's* began on 01.04.22. It is for a term of five years, expiring 31.03.27, with possibility of an extension of up to two further years (31.03.29). In 2021, the Council tendered for one contract to deliver support to all eight buildings in the single homeless and rough sleeper pathway, including Lillie Road. Given the size and duration of the whole pathway contract it is highly unlikely that *St Mungo's* will seek to terminate it early. In the unlikely event that they do, they would have to give sufficient notice and the Council would re-tender the whole pathway support contract for the Borough to ensure there is no gap in support for pathway residents.
22. Rough sleeping in London is rising; 10,053 rough sleepers were seen by outreach workers in London during 2022/23, this represents a 21% increase compared to the total of 8,329 seen in 2021/22. In H&F we have seen an 11% increase in the number of rough sleepers seen in 2022/23 compared to the previous year (214 to 238).
23. Recent cost of living and housing supply pressures are contributing to a further increase in rough sleeping in H&F and across London. In the first six months of 2023-24 we have seen more people rough sleeping in H&F (303) than in the whole of the previous year (238).
24. Sufficient stock of supported accommodation helps the Council reduce rough sleeping, reduce the need to place people into unsupported temporary accommodation and reduces the length of time people must spend in less appropriate temporary settings. The pathway hostels are in high demand and

have a typical utilisation rate of 97%-99% which is above the contractual target of 95%. At the time of writing, there are approximately 40 single people in unsupported temporary accommodation waiting for a placement into the hostel pathway. With a reduction in supported housing pathway beds through the loss of Lillie Road, there will be increased pressures on temporary accommodation, health, and social care services, including extra care and residential placements.

There will be additional demand and waiting times for beds in the rest of the pathway and we can also expect to also see an increase in rough sleeping.

25. Any additional demand on temporary accommodation because of the loss of the property in Lillie Road will only exacerbate the temporary accommodation supply and cost pressures faced by the Council and the social and health impact on individuals who require a supported setting.

### **Equality Implications**

26. An Equality Impact Assessment was completed in 2021 which informed the Council's Procurement Strategy to commission a support contract for the hostel pathway. There is no new equality impact for residents if the recommended option to acquire is pursued, as a decision by the Council to acquire the property will result in a change of landlord, not the support provider.

### **Risk Management Implications**

27. Acquiring the property in Lillie Road presents a range of risks to the Council which require careful management and mitigation. The Council commissioned technical advisors to carry out condition surveys which enabled the cost of refurbishment to be reflected in the agreed purchase price and has ensured that there are no structural defects within the building.
28. As the number of rough sleepers is continuing to rise, there is little chance that demand for hostel accommodation of this type will subside in the near future. Legal services will complete appropriate due diligence as the transaction progresses.
29. Future risks will be managed as part of the overall risk management process within the rough sleeping commissioned pathway.

*David Hughes, Director of Audit, Fraud, Risk and Insurance, 7 November 2023*

### **Climate and Ecological Emergency Implications**

30. The property in Lillie Road achieves an EPC rating C. As this is an existing building acquisition, it has no implications for the borough's emissions, but it will become part of the Council's organisational footprint so the council will need to plan for capital investment at the appropriate time in the future to retrofit the building to net zero carbon requirements.

*Completed by: Jim Cunningham, Climate Policy & Strategy Lead, 31 October 2023*

## **Consultation**

31. The Council has kept St Mungo's regularly informed of progress. A decision to acquire the building will result in no change to the support contract.

## **LIST OF APPENDICES**

Exempt Appendix 1 – Finance Implications

# Agenda Item 13

## London Borough of Hammersmith & Fulham

**Report to:** Cabinet

**Date:** 15/01/2024

**Subject:** Acquisition of Affordable Homes - Quayside Lodge

**Report of:** Councillor Andrew Jones, Cabinet Member for the Economy

**Report author(s):** Matt Rumble, Strategic Head of Regeneration & Development  
Mo Goudah, Regeneration Manager

**Responsible Director:** Jon Pickstone, Strategic Director for the Economy

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### SUMMARY

Hammersmith and Fulham (H&F) Council has an ambitious target to see 3,000 new affordable homes built or underway in the borough over the coming 4 years. The council's development programme, at present, will contribute over 1,800 homes (65% affordable) through a combination of council-led schemes and partnership schemes with both housing associations and the private sector. In addition to this, the council is seeking to acquire homes within private developments that are currently under construction or have planning consent.

This report sets out an opportunity for the council to acquire 37 new affordable homes within 'Quayside Lodge' development, which is situated in the Sands End ward, to be completed in two phases from May 2024 to August 2024.

Cabinet authority is requested to enter into contract on the basis of the Heads of Terms attached to this report and secure the delivery of these much-needed homes.

The acquisition price meets the council's financial benchmarks and will make a positive contribution to the long-term financial sustainability of the Housing Revenue Account (HRA). The commercially advantageous price negotiated further demonstrates the council's commitment to being Ruthlessly Financially Efficient while still securing much needed affordable homes in the borough.

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### RECOMMENDATIONS

That Cabinet:

1. Notes that Appendices 1 and 2 are not for publication on the basis that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended)



2. Approves the council's acquisition of 37 homes and 4 disabled parking spaces in Quayside Lodge development funded by the HRA at the price set out in Appendix 2 (exempt) in line with the Heads of Terms set out in Appendix 1 (exempt).
3. Approves a capital budget envelope for this proposed acquisition, as set out in Appendix 2.
4. Authorise the Strategic Director for the Economy, advised by and in consultation with the Director of Finance and Assistant Director of Legal Services, to:
  - a. finalise an Agreement for Lease and other contractual terms (including minor amendments to the Head of Terms) and enter into binding contracts for the purchase of the 37 affordable homes;
  - b. enter into all necessary legal agreements including Agreement for Lease and arrangements around share of freehold;
  - c. Note the outcome of the due diligence process and proceed with the acquisition if it is materially beneficial to the council; and
  - d. Negotiate any modifications, alterations, or additions to the existing Planning permission and planning agreement which might be necessary or desirable, including conversion of affordable homes to more genuinely affordable tenures.

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**Wards Affected:** Sands End Ward

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building prosperity shared	The acquisition, if approved by Cabinet, will help to accelerate the delivery of genuinely affordable housing in the borough, enabling more residents on low or medium incomes to access affordable housing and benefit from growth in the borough.
Creating compassionate council a	The acquisition, if approved, will also enable the council to deliver more homes directly for residents awaiting permanent housing on the Housing Register as well as helping to reduce the number of residents in temporary or unsuitable accommodation.
Being ruthlessly financially efficient	Acquiring homes at commercially advantageous price with the possibility of external grant funding demonstrates the council's commitment to being ruthlessly financially efficient while, at the same time, increasing the availability of genuinely affordable homes to residents.
Taking pride in H&F	Ensuring parity between affordable tenants and private tenants in the same block/core in terms of having a

	say on how their block/core are managed and the services they have access to is an important factor enabling residents to take pride where they live and feel part of a single community.
Rising to the challenge of the climate and ecological emergency	Extensive energy efficiency measures along with Low and Zero Carbon applications have been incorporated into the development. These new homes were designed to achieve a minimum regulated carbon dioxide savings of 36.2% relative to other New-Build homes (Part L1A 2014), a Home Quality Mark '3 Star' rating and a BREEAM 'Excellent' rating for non-residential part of the development.

## Financial Impact

The exempt Appendix 2 contains the financial appraisal of the proposed purchase options, including total acquisition budget and funding resources required.

The decision to proceed with the acquisition is subject to legal and financial due diligence checks and mitigation measures must be in place prior to exchange of contracts to prevent any financial risks, as detailed in Appendix 2.

Finance implications completed by Harun Guleid, Principal Accountant and Ariana Murdock, Finance Manager, 13 October 2023

*Verified by Andre Mark, Head of Finance, 16<sup>th</sup> October 2023*

## Legal Implications

As per Section S.120 of the Local Government Act 1972, the Council may acquire by agreement with a third party any land whether situated inside or outside their area for the purposes of (a) any of their functions under this or any other enactment, or (b) the benefit, improvement or development of their area. There is no "best value" require per se in relation to an acquisition; however, there is an overriding duty for council decisions to be administratively and fiscally responsible and justifiable.

Section 1(1) the Localism Act 2011 (The General Power of Competence) allows the Council to do anything which individuals generally do even if:

- It is unlike anything else the authority may do
- It is unlike anything that other public bodies may do
- It is carried out in any way whatever, including:
  - anywhere in the UK or elsewhere;
  - for a commercial purpose or otherwise for a charge, or without charge; and
  - for, or otherwise that for, the benefit of the Authority, its area or persons resident or present in its area

Section 9 of the Housing Act 1985 grants the Council the power to provide housing accommodation (a) by erecting houses, or converting buildings into houses, on land acquired by them or (b) by acquiring houses.

Section 17 of the Housing Act 1985 grants the Council the power (a) to acquire land as a site for the erection of houses and (b) acquire houses, buildings which may be made suitable as houses, together with any land occupied with the houses or buildings.

Planning Permission ref:2017/03561/FUL permitted the construction of 110 dwellings at Quayside Lodge, William Morris Way, London subject to the provisions of 37 of such dwellings as affordable homes. This was secured by the Council, at the time planning permission was granted, under a planning agreement (“S106”) pursuant to a section 106 of the Town and Country Planning Act 1990 (“the Act”). The S106 sets out the tenure mix and other specifications for these affordable homes including when and how they should be transferred to a Registered Provider or the Council.

A deed of variation to the S106 under s106A of the Act would be required to enable the affordable homes to be provided as a more affordable product to the residents by the Council.

The necessary checks and safeguards will be put in place prior to acquisition and the transfer documents drafted so as avoid or mitigate the risks associated with acquiring properties prior to completion.

The due diligence required to proceed with the transactions will need to consider legal implications including contractual terms, warranties, VAT, SDLT liability and availability of any SDLT relief. These will be covered in the delegated report to be considered by the Strategic Director for the Economy, advised by the Director of Finance and Assistant Director of Legal Services before exercising their delegated powers.

The Article 12 of the Constitution sets out the decision-making principles of the Council and defines Key Decisions and the requirements in respect of Key Decisions. A Key Decision includes a decision that is likely to result in significant expenditure for the Council. The Cabinet Member for Housing and Homelessness has the portfolio for acquisitions and improvements to the Council’s housing stock and is tasked with making recommendations to the Cabinet on Key Decisions relating to matters within their portfolio. The Council’s Financial Regulation provide that decisions on acquisitions above £300,000 must be made by the Cabinet.

*Mrinalini Rajaratnam, Chief Solicitor Planning and Property, 10 October 2023*

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## **Background Papers Used in Preparing This Report**

**None**

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## **DETAILED ANALYSIS**

1. The council’s development programme will deliver over 1,800 homes through a combination of council-led direct delivery schemes and partnership schemes with housing associations and private sector.

2. The administration of the Council has an ambitious target of securing 3,000 affordable homes (to be delivered or underway) within the next 4 years. Acquisitions, whether that of properties under construction or ready to occupy, are a vital element that complements the council's development programme and help support a timely realisation of the council's overall objective.
3. Where the council chooses to purchase properties under construction, it is able to negotiate financially advantageous terms meaning the cost per home would be far below the market value of completed homes on the open market as well as being able to specify or have a direct influence on tenures, affordability levels and property specification.
4. This proposed acquisition, which is likely to be the first of many to come, sets a strategic milestone in meeting the need for affordable homes in this borough as well as supporting the financial sustainability of the HRA.
5. The council will continue to explore further opportunities to increase the volume of affordable homes in the borough through its direct delivery programme complemented by acquisition and partnership developments.

## Proposals

### This development

6. The 37 homes that are the subject of this proposed acquisition are within a private development consisting of 110 homes in one building over multiple cores, spread over a ground floor and 10 storeys above ground. The ground floor will include commercial office space together with resident amenities. The development received planning permission on the basis that 37 of the 110 homes will be affordable homes of which:

<b>21 Affordable Rent Homes</b>	
• <b>3 x 1 bed apartments</b>	To be rented at the lower of Local Housing Allowance levels or 80% of the market rent whichever is lower.
• <b>9 x 2 bed apartments</b>	
• <b>9 x 3 bed apartments</b>	

<b>16 Shared Ownership Homes</b>	
• <b>14 x 1 bed apartments</b>	Shared Ownership allows residents to buy a percentage of a property and pay rent on the unsold share.
• <b>2 x 2 bed apartments</b>	

7. The inclusion, in this acquisition, of family sized homes (9 x 3-Beds and 11 x 2-Beds) means it supports the council's objectives under the emerging family housing strategy. The aim of this strategy is to provide a response to the structural shift in household composition in the borough caused by a noticeable decline in households with school-age children, who may have moved out of the borough due to limited availability and affordability of family sized homes in

the borough. This structural shift in household composition has had an impact on use-dependant community infrastructure and facilities such as schools, childcare and libraries.

8. The supply of family sized homes catering for different affordability levels would, therefore, help create and sustain vibrant mixed-communities that in turn support use-dependant community infrastructure in the borough.
9. From a design perspective, the scheme, while mixed tenure, is designed to be tenure blind, meaning there are no differences in the quality of architecture or construction between market homes and affordable homes. The planning consent for this development located rental homes in one core. This will enable the council to manage the rental core directly which will in turn help ensure the long-term affordability of service charges for council tenants.
10. The affordable home ownership and market homes are mixed across other cores of the scheme. Owners of Affordable homeownership homes will have a share of freehold, and as a result they will have the same right to vote and participate in the running of their core as that of private homeowners in the same core. Affordable homeowners will also have the right to choose whether to access and pay for additional residents' services and facilities such as the use of a Gym, Cinema Room and a Resident Lounge.

#### Negotiated Price (subject to Cabinet approval and contract)

11. Officers have negotiated an acquisition price (Appendix 2 – exempt) for the 37 homes. This also includes four wheelchair parking spaces (for the four fully adapted wheelchair homes) and a share of freehold with the acquisition. This negotiated price meets the council's financial hurdles and is at a commercially advantageous level which will support the long sustainability of the Housing Revenue Account. See Appendix 2.

#### Programme - construction period

12. Construction commenced on 07 March 2022 and the overall programme spans 115 weeks. Scheduled handover of the completed affordable homes is set for August 2024, however the construction programme is running ahead of schedule and so some homes might be delivered as early as May 2024.

#### Summary of negotiated deal and transaction structure

13. The proposed structure of the transaction (timing of payments) is as follow:
  - 10% deposit to be paid on exchange of Contracts (estimated mid-December);
  - 88.5% on completion of each core (apportioned per core);
  - 1.5% retained, to be paid after 24 months of completion (after the defects liability period).

14. The agreed Heads of Terms (Appendix 1) includes provisions entitling the council to liquidated and ascertained damages if completion were to be unduly delayed. It also includes a Long Stop Date on which the council can terminate the transaction if homes are not delivered by that date.
15. The retention of 1.5% of the price minimises any immediate repair cost on the council during the 24 months defect period and incentivises the developer to resolve any defect or snagging issue immediately, failure of which entitles the council to use retained money to fix snagging or defects issues. Additionally, the council will benefit from new build home guarantee and warranties, further minimising the council's liability and exposure to any inherent defect in the construction.
16. This acquisition will be a "turnkey" acquisition meaning that while the council is entering into contract to acquire these homes while they are under construction, the actual acquisition only takes place once they are ready for occupation and so the council's deposit will be retained by the seller solicitor until completion. This also means that if delivery was to be delayed beyond the Long Stop Date and the council was to terminate the transaction, the council will get back its deposit in full as well as the liquidated damages mentioned above.

#### Due diligence

17. Officers have undertaken due diligence with the support of external technical advisors and Legal advisors and will continue to progress finalisation of contractual documents as well as carry out further independent verification of some elements such as fire safety to provide additional assurance.
18. This proposed turnkey purchase, at a late stage in construction, means it is in effect an "off the shelf" purchase of homes that have already been designed and are under construction. This also means the amount or extent of any design changes that could be implemented is limited and constrained by minor changes that can be implemented within the existing construction programme.
19. Further, implementable changes to specification of these homes, which were specified by a previous perspective buyer (Registered Provider), are also limited and as such internal housing services have been involved to examine the conformity of these specification to council's own specification as well as the council's ability to maintain these homes as part of the due diligence undertaken.
20. Therefore, the main focus of the due diligence, other than examining conformity of specification, was on compliance and fire safety. Following exchange of contracts, periodic inspection and testing will be undertaken to ensure compliance and build as per approved Fire Safety Strategy. Additionally, and as per Heads of Terms, completion and handover of these homes is subject to the council's Employer's Agents confirming that the development has received all necessary certification, warranties and insurance.

### Revised tenures – Genuinely Affordable Homes

21. The negotiated price assumed a revised affordable tenure mix to make homes more affordable than the consented scheme by converting all the 21 rental properties to London Affordable Rent (Tenure Option 1 – Appendix 2) or Social Rent level subject to external funding (Tenure Option 2 – Appendix 2).
22. Conversion of affordable rental homes to genuinely affordable levels would allow these homes to be offered to residents on the housing register and/or potential for use to decant existing council residents in properties needing major works or complex repairs.
23. Therefore, the offer assumes all 21 rental homes will be London Affordable Rent or social rent including 9 large three-Bedroom family sized homes and 9 two-Bedroom also suitable for families.
24. The offer also assumes that ten out of the 16 Shared Ownership homes will be converted to H&F Shared Equity (formerly known as Discount Market Sale) to align with a council's commitment to deliver an H&F shared equity model.
25. H&F Shared Equity offers a more genuinely affordable and sustainable home ownership option for residents including key workers, as there will be no rent payable on the unsold equity that increases above inflation every year. This distinction between shared ownership where rent on unsold share increases year-on-year above inflation and H&F Share Equity where there's no rent; means that in the long run H&F Share Equity is a more sustainable genuine affordable home ownership product that supports creation of sustainable communities.

### **Objectives of acquisitions**

26. Acquisitions are an important part of fulfilling key strategic priorities of the council to boost the overall volume of genuinely affordable homes available to residents as well as supporting the long-term financial sustainability of the HRA.

### **Analysis of Options**

27. There are two main options available to the council:

#### Option 1 – Do nothing (not recommended)

28. This option would mean abandoning the acquisition of these homes and leave them to be acquired by a Registered Provider. There's a risk that the developer may not find a Registered Provider immediately and the homes will lay vacant for an indeterminate term. Additionally, the price the developer may seek for completed homes may well be in line with their market value as off-plan discount would not then apply.

29. If the council does nothing it will lose the opportunity to convert the 37 affordable homes to more affordable products for local residents. If these properties are provided by a Registered Provider, 12 of the 21 affordable rent homes will be rented out at the lower of the Local Housing Allowance levels or 80% of the market rent which may still be unaffordable for some local residents.
30. The shared ownership homes may also be unaffordable to some, due to the high value of homes in that locality and the rent on the unsold share. However, if the Council acquires these properties at the price negotiated, they will be offered to residents at a more affordable rent as well as the more affordable home ownership product, H&F Shared Equity instead of Shared Ownership.
31. Not proceeding with this decision will also mean that many of the financial benefits to the HRA associated with this acquisition will not be realised.

#### Option 2 – Approve this report’s recommendations (recommended)

32. This option would enable the council to acquire 37 homes including 21 genuinely affordable rental homes that would be made available to residents by the summer of 2024.
33. Approving this report’s recommendations would also help with the council’s strategic objective to accelerate the delivery and availability of much needed genuinely affordable homes in the borough.
34. Acquisitions of new homes under construction offer a demonstrably better value for money compared to acquisition of existing homes on the open market.
35. Additional analyses are discussed in Appendix 2 (exempt).

#### **Reasons for Decision**

36. The council is committed to maximising the supply of genuinely affordable housing and so this decision represents a significant step towards the council taking an active role in increasing the supply of affordable housing in the borough through the acquisition of homes in private developments. This acquisition will supplement the council’s development programme and will help in meeting the acute need for affordable housing.
37. Additionally, the provision of good quality modern secure homes that are better insulated, free from damp and mould would have a material positive impact on residents’ health and wellbeing.

#### **Equality Implications**

38. The proposed transactional acquisition is to increase the council’s housing stock and is not anticipated to give rise to any equality implication for any group with protected characteristics, under the Equality Act 2010. Indirect positive implications may arise from the acquisition of wheelchair adapted homes and 4 disabled parking spaces.



39. The allocation of these homes will be carried out in accordance with the council's existing allocation policies and procedures that were subject to Equality Impact Assessments. Consequently, undertaking a separate assessment for this acquisition or allocation of these homes would not be required as neither would give rise to any material difference on people with protected characteristics that were not considered under existing policies or procedures.

### **Risk Management Implications**

40. There are some specific risks arising from acquisition of properties under construction including contractual defaults, disruption or interruption to the construction programme, properties not being of the required quality including not conforming to the granted planning permission or not complying with building and fire safety regulations. These risks would need to be mitigated by way of a detailed due diligence before entering into contract and incorporation of a handover mechanism that includes an acceptance procedure, i.e., the council as a buyer would only be required to acquire the properties on them receiving all necessary certification and being built and fitted out in accordance with council's specification and signed off by the council's Employer's Agent.
41. Additionally, and as part of any contractual agreement to acquire these homes, the council must obtain strong warranties from the main contractor and its sub-contractors and these new homes must come with insurances such as New Build Home Guarantee.
42. Officers have assessed the suitability and financial viability of this acquisition, which will provide units at a lower cost than if the Council were to undertake the construction itself, in line with the objective of being ruthlessly financially efficient. The acquisition of these homes will contribute to the Council's target for providing additional affordable housing in the borough.

*David Hughes, Director of Audit, Fraud, Risk and Insurance, 13 October 2023*

### **Climate and Ecological Emergency Implications**

43. Climate change poses a significant risk to all of us and in recognition of this, the council has set a goal of achieving net carbon zero by 2030. Part of this goal will be achieved through the development programme that is building net zero homes as well as the acquisition of new homes that are better insulated producing lower carbon emission.
44. This report seeks approval to acquire homes in a building that is designed to achieve BREEAM 'Excellent' Certification. BREEAM provides a best practice framework in sustainable building design, construction and operation and allows for the assessment and benchmarking of new and existing property assets of several different use classes including mixed-use developments incorporating residential accommodation. It uses recognised measures of

performance to evaluate a buildings specification, design construction and use across:

- Energy and water use
  - Internal environment (health & wellbeing)
  - Management processes
  - Pollution
  - Transport
  - Materials
  - Waste
45. The BREEAM assessment consists of two stages - Design and Post Construction, with an optional Post Occupancy stage. An assessor will gather evidence from the project team at each stage and compile this into a report to send to BRE, who will provide the final certification.
46. The design philosophy adopted by the developer in this development exceeds current Building Regulations Standards and BREEAM Evidence Tracker was inspected confirming the development to be on track to achieve projected 'BREEAM Excellent' rating.
47. Homes in this developer are to achieve a Home Quality Mark (HQM) 3-star rating. HQM assesses the quality and sustainability of the home itself, its surroundings and the construction. The assessment process is designed to ensure that homes meet high standards for running costs, health and wellbeing, and environmental footprint. This means lower energy bills, a healthier living environment, and a home that contributes to a sustainable future. The rating system runs from 1 star rating to 5 stars with 1 star meeting key baselines beyond minimum statutory standards and 5 stars being outstanding.

*Approved by Hinesh Mehta, Assistant Director for Climate Change, 11/10/2023*

## **LIST OF APPENDICES**

**Appendix 1 – Heads of Terms – Exempt**

**Appendix 2 – Financial Appraisals and Exempt Financial Comments – Exempt**

<b>Report to:</b>	Cabinet
<b>Date:</b>	15/01/2024
<b>Subject:</b>	Award of the Home Care and Independent Living Service contracts
<b>Report of:</b>	Councillor Ben Coleman, Deputy Leader
<b>Report author:</b>	Laura Palfreeman, Programme Lead
<b>Responsible Director:</b>	Linda Jackson, Strategic Director of Independent Living (DASS)

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### SUMMARY

Hammersmith & Fulham is determined to become the best borough for Disabled people in the country. In 2015 it abolished charges for care at home for elderly and Disabled residents, the only borough to do so.

The administration's manifesto at the 2022 election pledged to improve the quality of home care so that residents have carers who are *"consistent, well trained, regular, punctual and knowledgeable about individual residents' needs"*.

The council intends radically to improve the quality of the care provided to residents both in their own home and in the borough's care homes. Our vision is of achieving "100 per cent perfection" with a new Total Quality Management approach.

In December 2022, as part of delivering the manifesto pledge, Cabinet agreed a procurement strategy for home care. The service was renamed "Home Care and Independent Living" to reflect the administration's commitment to enabling people to live at independently at home.

The borough was divided into six neighbourhoods or patches (Appendix 2), with two providers operating in each patch, making 12 contracts in all. Providers were permitted to bid for a maximum of two contracts in an open tender procedure. With significant interest from the market, the strategy was effective in securing a range of providers and value for money.

This report seeks approval to award the 12 contracts to the new providers. These will offer a Home Care and Independent Living service to over 1,520 residents.

A total of £21.4m is expected to be invested in the Home Care and Independent Living Service in 2024/25 (subject to approval of the Annual Budget for 2024/25 by Full Council in March 2024). This is some 44% more than the £14.9m allocated in 2022/23. The anticipated increase in the budget of £6.5m over the two financial years is to meet pressures from hospital discharges and to cater for an increase in the volume and acuity of residents' needs.

The funding includes the requirement for all independent living workers to be paid at the London Living Wage (LLW) as a minimum, including for their travel time between visits.

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## RECOMMENDATIONS

That Cabinet:

1. Notes that Appendix 1 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. Approves the award of 12 (twelve) contracts to 7 (seven) providers for the delivery of a Home Care and Independent Living service in Hammersmith and Fulham for an initial five-year term from 1 June 2024 until 31 May 2029, with the option to extend for up to a further period of two years for a total of seven years. The total value of this contract over the five-year term is estimated at £55.5m and over the seven-year term is estimated at £77.7m
3. Approves an increase to the rates paid under existing bridging provision with Healthvision and Graceful Care to match their contracted rate as set out in the report giving a total value of £20.3m and £28.4m over 5 and 7 years respectively. These two providers are the only current bridging<sup>1</sup> providers to be awarded contracts as a result of this tender exercise.
4. Notes the additional funding of £4.2m in 2024/25 (subject to the approval of the Budget for 2024/25 by Full Council in February 2024).

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**Wards Affected:** All

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Our Values	Summary of how this report aligns
Building shared prosperity	Providers will be encouraged to employ local Home Care and Independent Living staff and build connections with local services and the voluntary sector. This has been set out in the Social Value commitments from successful providers.
Creating a compassionate council	By improving the overall quality, our aim is for residents to report positively about being treated with compassion and dignity. This specification is rooted in H&F's home care standards which are informed by what residents have told us about the support they want and how they want this to be provided.

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<sup>1</sup> Bridging refers to service provision put in place when a contracted service has no capacity to provide the required service and thus "spot" provision is used. It does not refer in any way to a financial loan.

	<p>This supports the council's independent living vision, which is that people of all ages and (dis)ability have the same rights as everyone else to live in the community, with care and support that suit how they want to live and respond to their changing needs.</p>
<p>Doing things with local residents, not to them</p>	<p>Rather than being limited to schedules based on an assessment at one point in time, care staff will be expected to build relationships with residents to create care and independent living plans which are based on getting to know their needs. These plans will build on residents' strengths, work towards residents' goals and be flexible over time together with residents as their needs change.</p> <p>We will also use resident surveys and discussions with resident groups to evaluate and improve quality and performance.</p> <p>During the tendering period, providers were asked, and evaluated on, how they will implement co-production in their organisation through the life of this contract so that they are also including the resident in the design, delivery, and evaluation of services.</p>
<p>Being ruthlessly financially efficient</p>	<p>By enabling residents to live independently at home for as long as possible, the Home Care and Independent Living service will help keep residents out of hospital and prevent or delay the need for more expensive care settings such as residential or nursing accommodation.</p> <p>Having a therapeutic and preventative model of Home Care and Independent Living may mean that individual care packages can be reduced over time by agreement with the resident where appropriate. The contract requires providers to do more regular reviews and have an outcome focus.</p>
<p>Taking pride in H&amp;F</p>	<p>We know how much H&amp;F residents appreciate not having to pay for care at home, which means they get the support they need and not just what they can afford. We will focus on ensuring a high-quality service which residents are happy to recommend to friends and family.</p>
<p>Rising to the challenge of the climate and ecological emergency</p>	<p>Providers have committed to a number of target operating models in the social value matrix related to rising to the challenge of the climate and ecological emergency. Some commitments include local care staff recruitment, which will reduce the need for travel to the borough; and staff will have a smaller local area to cover, which will be easily accessible on foot or by bus. Other measures include reducing carbon emissions through the equipment they use and vehicle reduction.</p> <p>Providers have also agreed as part of the tender to sign up to the climate charter to reasonably support the Council in its journey regarding the important objective of becoming net zero carbon emissions by 2030.</p>

## Financial Impact

The Home Care and Independent Living service is a key priority for the Council, with investment of £17.2m in 2023/24 (significantly more than the investment of £14.9m in 2022/23 and equivalent to an increase of 15%). The services are provided to an average of 1,520 residents per week with an average package size of 14 hours per week.

The additional growth funding proposed of £4.2m in 2024/25 is to meet pressures from hospital discharges and to cater for an increase in the volume and acuity of residents' needs. This funding is subject to the approval of the Budget for 2024/25 by Full Council in February 2024. If approved, the 2024/25 Home care budget will be £21.4m.

The detailed financial implications from this procurement and the impact on the Council's MTFS and Budget for 2024/25 are set out in the attached Exempt Appendix 1.

*Finance implications provided by David Hore, Finance Manager and Prakash Daryanani Head of Finance Social Care & Public Health  
Verified by: Sukvinder Kalsi Director of Finance, 10 November 2023.*

## Legal Implications

The Council is under a legal obligation to provide these services under the Care Act 2014. These contracts are necessary for the Council to provide these statutory functions.

This report seeks approval for the award of twelve contracts to seven providers who scored the highest in quality and price through the tendering process. The contract is due to commence on 1 June 2024 and to last for an initial period of five years with the option of extending it for a further period of two years. The total value of the contract for the first five years is £55.5m and £77.7m up to a possible seven-year term.

The approval of the increase in rates for the bridging provisions has estimated values for the first five years of £20.3m and for seven years £28.4m.

The combined estimated values for both the patch providers and former bridging care packages for the first five years is £75.8m and for seven years is £106.1m.

These are public services contracts under the Public Contracts Regulations 2015 (PCR) and therefore subject to the advertising and competition requirements set out in these regulations. These obligations were met through the tender procedure which was followed. The services were procured through an open tender procedure with providers having the option to bid for one or a maximum of two contracts of the twelve available. The highest scoring tenders were allocated the highest value contracts on a sliding scale, with the requirement of two different providers per patch as indicated in the tender documents.

Under the Council's Contract Standing Orders, the contract is a High Value Contract ('HVC'). The competitive tendering process which was carried out complies with the requirements of CSO (Contract Standing Orders) 18.

As the award is for a contract in excess of £300,000 and a Key Decision, the report must be submitted to Committee Services for publication on the Council's website. The award decision cannot be implemented before the expiry of the call-in period.

*Legal implications verified by John Sharland, Senior solicitor (Contracts and procurement), dated 11 October 2023*

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## **Background Papers Used in Preparing This Report**

Cabinet report on 5 December 2022 seeking approval to commence the Home Care and Independent Living Procurement - PUBLISHED

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## **DETAILED ANALYSIS**

### **Proposals and Analysis of Options**

1. Home care in H&F is currently delivered by three contracted providers covering North, Central and South patches in the borough. These contracts are ongoing based on performance until the new contracts can be mobilised. In addition to the contracted (patch) hours, there are a large number of packages of care delivered by bridging providers. These have accrued over the length of the current contracts when the contracted providers were not able to take the package of care or were not suitable and the numbers accelerated during the Covid-19 pandemic.
2. Approval was sought by Cabinet on 5 December 2022 to carry out a competitive tender exercise which took place over six weeks in December 2022 - January 2023 to procure new contracts that would deliver the specification for a quality home care and independent living service.
3. The tender closed on 30 January 2023 followed by independent evaluation and moderation by the evaluation panel consisting of council employees and one resident with lived experience of Home care.
4. Further clarifications were required once the tender closed to ensure providers included LLW (London Living Wage) for home care and independent living workers travel time as well as contact time in their commercial envelope.

### **Options**

5. Do Nothing - Not recommended

This is not deemed as a viable option as the current contracts are expired and would result in Hammersmith & Fulham not having contracts in place for delivery of a home care and independent living service, leaving us to rely solely on bridging provision. Home care is a statutory service and having contracted

providers in place allows the council better management and oversight on quality and continuous improvement through contract monitoring and ensures sufficient provision to meet the demand of the local population.

6. To award a 5-year contract with the option to extend for another two years to the seven providers with the highest scores following an open tender procedure – **Recommended**

This option is recommended as it will ensure vital and long-term existing provision which can adapt to the needs of residents. It will enable the council to implement contract monitoring, getting the best quality and outcomes for residents and ensure resident involvement.

The delivery of the new service model is expected to be a key driver of meeting the administration's home care pledge of improving quality through:

- Residents having choice and control and a focus on outcomes of care
- Increased number of contracted providers over smaller geographical locations, allowing the council more choice of providers and an incentive for providers to keep quality high to continue receiving packages of care
- Flexible use of commissioned hours
- Better conditions for care staff, with fair pay, paid travel time, consistent training and career progression
- Improving performance management of the service with the introduction of the new Total Quality Management approach.

### **Procurement process and method**

7. The Public Contracts Regulations 2015 (PCRs) apply to this procurement, as well as the council's Contract Standing Orders (CSOs) for High Value Contracts. The procurement took place through the Open Procedure in compliance with the PCRs and the CSOs. This permitted all appropriately registered service providers the opportunity to tender competitively whilst ensuring value for money for the council.
8. The Council took the position not to publish its available budget for the service and allowed the open procedure to give providers the opportunity to submit their prices at levels they thought would be competitive and sustainable. This helped avoid price setting too low or high and enabled the market to set the true cost for the service. It also meant the tender was able to generate sufficient interest from the market.
9. The tender offered service providers the opportunity to tender for a maximum of two lots across the six geographical areas, with a total of twelve contracts available. Successful bidders were allocated a patch based on their overall tender score and geographically to keep the providers locations close to each other if awarded two contracts. As per the tendering documents issued at the beginning of the procurement, no service provider will be awarded a contract covering more than two locations.



10. The tender submissions were evaluated with a weighting of 60% quality, which included 10% of the score allocated for social value, and 40% price to emphasise the priority we are placing on improving the quality of the service at an affordable cost. The technical envelope assessment was independently evaluated by council staff from Adult Social Care commissioning, social care, brokerage and quality assurance. In addition, a resident in Hammersmith & Fulham who uses home care agreed to take part in the evaluation process by evaluating the quality question of all the qualifying tenders and was part of the moderation process for this question.
11. The scores were then moderated during a series of moderation meetings which were chaired by the procurement category lead. During the technical envelope moderation meetings, the evaluators agreed to a consensus score for each supplier and the tender feedback.
12. The contracts are to be an initial term of five years, with the council being entitled at its absolute discretion to extend the contract term for a further period or periods of up to two years, making a maximum total contract period of seven years.
13. A Contracts Notice was published on the UK's Find a Tender Service (FTS), on 14 December 2022. The opportunity was published on CapitalEsourcing (project 21289), the procurement portal used by the council on the same day, with a closing date of 12pm on 30 January 2023.
14. Over 100 providers initially registered an interest with thirty-seven (37) providers submitting a tender by the closing date and thirty one (31) providers passing the Qualification Envelope. Due to the high number of submissions the technical evaluation and moderation timetables needed to be extended to allow sufficient time to read and score the submissions. Six (6) submissions then failed in the Technical envelope by scoring below a 2 on at least one of their questions. As per the Invitation to Tender (ITT) the council stipulated that they would reject and not take forward any Quote which scored 0 or 1 on any criteria. This left twenty-five (25) submissions which were taken through to the evaluation of the commercial envelope. During the commercial envelope clarifications, one provider withdrew their submission, resulting in twenty-four (24) submissions going through the commercial evaluation.

#### Technical evaluation weighting:

Technical questions areas and respective weightings	
Question area	Weighting
Service Delivery	15%
Quality Assurance	12.5%
Co-production methods	12.5%
Knowledge and understanding	10%
Workforce development	15%
Safeguarding adults	10%
Mobilisation	8.3%
Social Value (split into a qualitative question 50% and quantitative	16.7%

questionnaire 50%)	
Total	<b>100%</b>

**Social Value scoring:**

15. It is a requirement that all contracts let by the council with a value above £100,000 have a minimum Social Value offer of 10% of the contract value. As the twelve contracts are all for different values based on commissioned hours in the geographical location, a nominal contract value was used for the purpose of evaluating if this criterion was met. This was stated as £10.3m for one contract, and £20.6m for two contracts. If a tenderer failed to meet the minimum value for one contract, they were given a score of 0.

<b>Social Value Quantitative submission scoring</b>	
<b>Tenderer</b>	<b>Social value quantitative score (out of 5.01%)</b>
Tenderer E	<b>5.01</b>
Tenderer A	<b>3.31</b>
Healthvision	<b>2.36</b>
Tenderer Q	<b>2.22</b>
Tenderer D	<b>2.16</b>
Tenderer H	<b>1.92</b>
London Care Ltd	<b>1.50</b>
De Vere Care Partnership LTD	<b>1.31</b>
AHS Franchise Partners (operating as Avant healthcare)	<b>1.29</b>
Graceful Care Ltd	<b>1.13</b>
Tenderer R	<b>1.01</b>
Tenderer V	<b>0.94</b>
Tenderer U	<b>0.92</b>
Tenderer P	<b>0.86</b>
Tenderer L	<b>0.70</b>
Tenderer S	<b>0.67</b>
Tenderer I	<b>0.56</b>
Tenderer N	<b>0.55</b>
Unique Personnel (UK) LTD	<b>0.54</b>
Tenderer J	<b>0.36</b>
Tenderer C	<b>0.00</b>
Tenderer T	<b>0.00</b>
Tenderer X	<b>0.00</b>
Tenderer Y	<b>0.00</b>
Tenderer F (withdrawn)	<b>0.00</b>

16. The highest value commitments from the winning tenderers are as follows:

- More local people in employment
- More opportunities for people facing additional barriers to employment
- Improved employability for young people

17. Social Value commitments will be monitored through our internal social value lead and the contract manager will be responsible to address any shortfalls and address them as part of the contract monitoring process.

### Final scoring

18. A summary of the scores awarded to the tenders who passed the qualification and technical envelope following moderation is shown in the table below. Five of the highest scoring six providers were eligible for two contracts. The sixth fell short of the social value requirements for two contracts so were only eligible for one contract, as such the seventh highest scoring provider was allocated the final contract to meet the twelve contracts available.

<b>Compilation of Technical and Commercial scoring</b>			
<b>Tenderer</b>	<b>Weighted score for price envelope</b>	<b>Weighted score for technical envelope</b>	<b>Total score</b>
Graceful Care	38.21%	37.53%	75.74%
AHS Franchise Partners	35.60%	39.78%	75.38%
Healthvision	32.51%	41.85%	74.36%
Unique Personnel (UK) Ltd	40.00%	33.53%	73.53%
London Care Ltd	33.38%	39.99%	73.37%
Haven Care	39.11%	34.19%	73.30%
De Vere Care Partnership LTD	32.93%	39.81%	72.74%
Tenderer H	35.60%	36.91%	72.51%
Tenderer U	38.13%	33.92%	72.05%
Tenderer N	36.87%	34.74%	71.61%
Tenderer P	30.67%	40.35%	71.02%
Tenderer Q	33.54%	37.41%	70.95%
Tenderer V	33.66%	36.14%	69.80%
Tenderer A	33.48%	36.30%	69.78%
Tenderer D	28.30%	40.45%	68.75%
Tenderer E	31.58%	37.01%	68.59%
Tenderer I	29.65%	38.75%	68.40%
Tenderer C	33.41%	33.49%	66.90%
Tenderer T	36.31%	30.20%	66.51%
Tenderer R	36.22%	30.21%	66.43%
Tenderer S	39.74%	26.37%	66.11%
Tenderer J	36.31%	28.06%	62.11%
Tenderer Y	27.92%	34.00%	61.92%
Tenderer X	27.87%	31.19%	59.06%

19. On the basis of the most economically advantageous tenders (MEAT) i.e. the tenders with the highest total percentage awarded to 2 decimal places, it is recommended that the contracts be awarded as follows:

<b>Contract</b>	<b>Patch</b>	<b>Provider</b>
Contract 1	North 1, A (N1, A)	Healthvision
Contract 2	North 1, B (N1, B)	Unique Personnel UK Ltd

Contract 3	North 2, A (N2, A)	Healthvision
Contract 4	North 2, B (N2, B)	De Vere Care Partnership Ltd
Contract 5	Central 1, A (C1, A)	Graceful Care
Contract 6	Central 1, B (C1 B)	AHS Franchise Partners (operating as Avant healthcare)
Contract 7	Central 2, A (C2, A)	Graceful Care
Contract 8	Central 2, B (C2, B)	AHS Franchise Partners (operating as Avant healthcare)
Contract 9	South 1, A (S1, A)	London Care Ltd
Contract 10	South 1, B (S1, B)	Haven Care
Contract 11	South 2, A (S2, A)	London Care Ltd
Contract 12	South 2, B (S2, B)	Haven Care

### **Contract price**

20. The contract price for the transfer of the incumbent (contract) hours is estimated at £55.547m for the five-year contract and £77.775m over a possible seven-year term.

### **Contract mobilisation**

21. As part of their submission tenderers were required to provide a detailed mobilisation plan detailing the measures they will implement when the contract is awarded. These mobilisation plans will be implemented and monitored in close partnership with the incoming and exiting providers.
22. Following the contract awards a project group will be formed where officers from adult social care commissioning and operations teams will work closely and meet regularly with representatives from the new providers to ensure the milestones and key dates included in their mobilisation plan are achieved and there is a seamless transfer of residents to the new services.

### **Total Quality Management**

23. The award of the Home Care and Independent Living service has coincided with H&F's new commitment to "100 perfection" in our home care and care homes. We will introduce a system of Total Quality Management in the delivery of this new service. This will entail a shift from how the current home care contracts are seen and managed by H&F to a culture where "perfect" home care is seen as H&F's business as usual.
24. We will be guided by the 7 principles of Total Quality Management in our quest for perfection in quality of our home care and independent living service, as follows:

- **Resident Focus:** The primary focus of quality management is to meet residents' requirements and to strive to exceed residents' expectations.
  - **Leadership:** Leaders at all levels establish unity of purpose and direction and create conditions in which staff are engaged in achieving the organisation's quality objectives.
  - **Engagement of staff:** Competent, empowered and engaged staff at all levels throughout our organisation will be essential in order for us to create and deliver a perfect home care and independent living service. This is a culture change and as such we are committed to training our staff on TQM and understanding what that means for their roles and expectation on them.
  - **Process Approach:** Consistent and predictable results are achieved more effectively and efficiently when activities are understood and managed as interrelated processes that function as a coherent system.
  - **Culture of ongoing Improvement:** We will ensure we continually focus on learning and improving the quality of our home care and independent living service.
  - **Evidence-based Decision-making:** Decisions based on the analysis and evaluation of data and information are more likely to produce desired results there for we will carefully analyse what providers, resident and independent living worker tell us to ensure we get things right the first time. Resident will tell us when we have got it right and if there has been a marked shift in the quality of the home care and independent living service we deliver.
  - **Relationship Management:** For sustained success, we will ensure we regularly engage the right personnel from our contracted providers at strategic and operational levels
25. The journey to and sustaining the delivery of perfect home care will hinge on the ongoing improvement principle of Total Quality Management. Total Quality Management focuses on meeting residents' needs, so we will involve our residents much more in assessing quality. The feedback we receive through more regular reporting on the Key Performance Indicators for the service, the resident and carer surveys, the resident reference support group, and observation of independent living workers on duty will help us know if we are delivering perfect home care and if not what needs to improve.
26. The path to delivering perfect home care will be transitional and characterised by having the right infrastructure in place to enable this. To get there we are reviewing how we monitor the care to ensure there is a greater focus on measuring outcomes for residents rather than counting widgets. The question we will continually ask ourselves will be, "Is the Home Care and Independent Living service improving the quality of our residents' lives?".

27. We will undertake much more focused announced and unannounced visits which will enable us to sample evidence randomly to assure ourselves. The checks and testing of provider quality standards will include a focus on the London Living Wage, travel time pay, training matrices, training certificates, staff supervision agendas, the complaints log, whistleblowing, standards of recording, resident files and staff employment checks.

## Reasons for Decision

28. Local Authorities have a statutory duty to ensure the delivery of home care to adults assessed as eligible under the Care Act 2014. In H&F, the resident is not charged for home care at the point of need. The council is also committed to supporting residents with independent living, enabling them to live their lives with greater choice and control to achieve their maximum potential.
29. Following an open tender procedure process it is proposed the contracts will be awarded to the providers who submitted the most economically advantageous tenders (MEAT).
30. By awarding a five-year contract with the option to extend for a further two years will ensure that the following adult social care priorities are achieved:
- To provide care and support to adults that enables them to remain in their home for as long as possible and prevent the need for more intrusive types of care such as care homes and residential accommodation.
  - To provide a range of care at home which supports independent living and improves on the quality of the service residents currently receive.
  - To improve the quality of home care we provide so that residents have home care and independent living workers who are consistent, well trained, regular, punctual and knowledgeable about individual residents' needs.
  - To ensure a more flexible and resident-centred home care service, with a focus on resident outcomes.
31. Healthvision and Graceful Care who were successful in the tendering exercise have existing bridging packages of care in the borough. These bridging packages will have their hourly rate amended to match the rate they have submitted as part of the tender.

This is to ensure:

- Parity of all their care packages.
- The bridging packages are sustainable.
- The provider has a single tier of remuneration for their home care and independent living workers.
- The council's contractual requirement of home care and independent living workers being paid the London Living Wage (LLW) for contact (visit) time and travel time between visits, as a minimum.

This amounts to 237,205 hours across the two providers, meaning a total of 853,451 hours of care and support will be under the new contracted providers from the start of the contracts.

In addition, when we consider the current market conditions including workforce recruitment & retention, inflation, high interest rates, and the governments social care reforms the council is achieving value for money as a result of this tender exercise.

32. The reason for contracting with care providers in this market is to ensure home care and independent living providers we work with align to our values, business requirements, and that we are able to ensure continuous improvement in the quality of our home care and independent living service.

All home care and independent living providers will be required to deliver the service to the quality and standards set out in the service specification, independent of their hourly rate. All will be subject to the same level of contract monitoring and quality assurance.

33. Contract monitoring meetings will discuss the Key Performance Indicators and factors influencing them. If some of these are not meeting requirements we ask for a Performance Improvement Plan. We have more regular and enhanced monitoring. If this doesn't resolve, we can implement further contractual levers such as penalties, pausing referrals and finally we can decommission (temporary or permanent) the provider.
34. Bridging (spot) care packages are expected to decrease due to the new contracts being implemented. Providers are expected to take all care packages in their respective patches and our brokerage team will ensure all new care packages are placed with the newly contracted providers.

## **Equality Implications**

35. A full Equalities Impact Assessment (Appendix 3) was carried out as part of the approval of the home care and independent living procurement strategy. This has been reviewed and there are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of the contract awards outlined in this report.

## **Risk Management Implications**

36. This procurement is in line with the agreed procurement strategy to ensure that a high-quality service can be delivered at the best cost to taxpayers with the contract awarded to the tenderers who submitted the most economically advantageous tenders. This is in line with the Council's priority of being ruthlessly financially efficient.
37. Appropriate independent checks were made on the economic and financial standing of all tenderers, taking account of the value and length of the contract.
38. An appropriate mobilisation plan is in place with key stakeholders identified to allow for the contract to commence without disruption to the service provision.

*Implications verified by: Jules Binney, Risk and Assurance manager, 11 October 2023*

## **Climate and Ecological Emergency Implications**

39. The Council has committed to making the borough net zero carbon by 2030. It aims to reduce greenhouse gas emissions throughout its supply chain by awarding contracts to suppliers with track records of reducing carbon and commitments to doing so in the future, and by working with existing suppliers to reduce emissions. The successful providers all agreed in the tender pack that they will participate / contribute where applicable within the contract. Providers have made a range of social value commitments to climate change in their questionnaire which will be monitored throughout the contract.
40. The Providers will be monitored to ensure delivery against environmental commitments outlined in their service offer. This includes the following:

Provider	Commitments
AHS Franchise Partners (operating as Avant Care)	They have green transport measures in place and have taken effective measures to reduce CO2 emissions
Healthvision	Savings in CO2 emissions, car miles saved through green transport
Graceful Care	No specific commitments made in the questionnaire but agreed to participate / contribute where applicable. Officers will revisit this point with the provider post-award.
London Care Ltd	No specific commitments made in the questionnaire but agreed to participate / contribute where applicable. Officers will revisit this point with the provider post-award.
Unique Personnel UK Ltd	Reducing miles through car sharing
De Vere Care Partnership Ltd	Invested in e-bikes and will equip offices with energy efficient materials and equipment
Haven Care	Reducing CO2 Emissions and car usage

*Implications verified by Hinesh Mehta, Assistant Director for Climate Change, 10/10/2023*

## **Procurement implications**

41. The Procurement Lead from the procurement and commercial team supported the procurement process including evaluations and moderating the independent evaluators scores and comments. Providers were given opportunity to ask clarifying questions whilst the tender was open which were all responded to with



procurement oversight and legal advice where needed. The evaluators consisted of council staff and a resident with lived experience, to ensure a fair open and transparent process was conducted to reach the final moderated scores. The commercial scores were calculated after the Method Statement scores were assessed to avoid price having an influence on the scoring and the score for Quality and Price were added together to arrive at the Total Score.

42. The procurement process was carried out on CapitalSourcing and a full audit trail is available on the portal.
43. Following award the contracts will need to be added to the contract register, contract notices issued, and contract managers assigned to ensure safe and effective delivery of the contracts.

*Implications verified by: Sophie Uddin Procurement Category Lead, 13 October 2023*

## **Digital Services Implications**

44. IT (Information and Technology) Implications: There are no new IT implications resulting from this report. However, Home care providers will need to use the electronic monitoring system CM2000 which is already in place. This system monitors the actual visits which have taken place by home care and independent living workers scanning a tag in the resident's home. The system is used for finance and contract monitoring purposes. The digital services team completed an options analysis of the systems available to meet the requirements of the service and CM2000 was the recommended option. The current CM2000 contract was extended to June 2024 to allow for the consideration of options, and the service now intends to go out to procurement.
45. Information Management Implications: A Privacy Impact Assessment was completed as part of the Home Care and Independent Living procurement strategy.
46. The contracts arising from this report will need to include H&F's data protection and processing schedule. This is compliant with the General Data Protection Regulation (GDPR). The suppliers will be expected to have a GDPR policy in place and all staff will be expected to have received GDPR training.

*Implications completed by: Karen Barry, Strategic Relationship Manager, Tel: 020 8753 3481 October 10, 2023*

## **Local Economy and Social Value**

47. The MEAT providers have committed to a minimum 10% social value of the overall contract value which meets the Council's minimum requirement. For the purpose of this contract a nominal contract value was put in as £10.3m for one contract and £20.6m for two contracts. Providers needed a minimum

commitment of £2.6m to qualify for two contracts and £1.3m for one contract. Their social value commitments are set out below:

Provider	Social value commitments (£000,000)
Graceful Care Ltd	4.4
AHS Franchise Partners	5
HEALTHVISION	9.2
Unique Personnel (UK) Ltd	2
London Care LTD	5.8
Haven Care	2.7
De Vere Care Partnership LTD	5.1

48. It is recommended that commissioners and contract managers will work with the Council's Social Value Officer to develop a delivery plan with the contractor. Each provider will be required to report on their targets through an agreed method for effective monitoring and will be responsible for developing plans to meet their agreed targets.
49. It is recommended that Commissioners will work closely with Legal Services to ensure appropriate social value clauses are included in the contract, so that the Council can enforce its right to compensation if social value commitments are not delivered.

*Completed by: Laura Palfreeman, 18 October 2023*

*Verified by: Oliur Rahman, Head of Employment and Skills 18<sup>th</sup> October 2023*

## Consultation

50. We hosted a number of events for residents to hear from residents about what works well in home care, what requires improvement and what they want from home care services. This information was used to develop the service specification to ensure it captures the key requirements that matter to our residents.
51. The Home Care Quality Leads were regularly visiting residents and shadowing home care and independent living workers on visits to get further feedback from residents about the quality and impact of their home care service.
52. A Hammersmith & Fulham resident who uses home care services agreed to take part in the evaluation process and independently evaluated the quality question of the tenders submitted. The resident also took part in the moderation process to agree the score for this question.
53. There will be further co-production opportunities for residents throughout the development and implementation of the service. Providers were evaluated on their plans to incorporate co-production with residents using their service to develop the service and drive improvements. They have all committed to implementing co-production in their organisational decision making processes down to individual care and support planning. In addition, the resident voice will be vital in monitoring the quality of services and contract monitoring through:

- Peer review groups to help monitor quality and performance of service providers,
- Resident questionnaires to feedback on their experience and satisfaction
- Home care and independent living workers questionnaires

## **LIST OF APPENDICES**

Appendix 1 – Exempt Financial Implications

Appendix 2 – New geographical patches for contracts

Appendix 3 – Equality Impact Assessment

Appendix 4 – Quality Improvements in Home Care and Independent Living Service

# Appendix 2 - Geographical patches

## North 1

- Healthvision
- Unique Personnel UK Ltd



## North 2

- Healthvision
- De Vere Care Partnership Ltd



# Geographical patches

## Central 1

- Graceful Care
- AHS Franchise Partners



## Central 2

- Graceful Care
- AHS Franchise Partners



# Geographical patches

## South 1

- London Care Ltd
- Haven Care

## South 2

- London Care Ltd
- Haven Care



Area [Should this be "Patch"?	Wards	Area	Wards
North 1	College Park and Old Oak	Central 2	Addison
	Wormholt		Avonmore
	White City		Brook Green
North 2	Wendell Park		Fulham Reach
	Coningham		West Kensington
	Shepherd's Bush Green	Fulham Town	
Central 1	Ravenscourt Park	South 1	Munster
	Grove	South 2	Palace & Hurlingham
	Hammersmith Broadway		Lillie
	Walham Green		
	Sands End		
			Parsons Green & Sandford

Appendix 3 - Procurement strategy – Support at Home (Homecare) services  
H&F Equality Impact Analysis Tool

### Conducting an Equality Impact Analysis

An EQIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative, or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (pseud). The duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under this act;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Whilst working on your equality impact assessment, you must analyse your proposal against the three tenets of the equality duty.



H&F Equality Impact Analysis Tool

Overall information	Details Of Equality Impact Analysis
Financial year and quarter	2023/24, Q2
Name and details of policy, strategy, function, project, activity, or programme	<p><b>HEMOCARE AND INDEPENDENT LIVING PROCUREMENT</b></p> <p><b>Short Summary</b></p> <p>Homecare is defined as services provided for individuals in their place of residence (Support at Home), aimed at keeping people independent in their home for as long as possible, reabling and enabling individuals to do things for themselves giving the right amount of support at the right time. Hammersmith &amp; Fulham is proud to provide free homecare to all residents who have an assessed and eligible need for the service. The uptake of services in the borough is the highest of all London local authorities and LBHF also provides the most hours per resident per week on average. The current commissioned services are provided in three patches covering the north, central and south localities of the borough which have been awarded to three providers. In addition, we also procure a number of homecare services through our spot provision which is spread over a number of providers as and when needed. Residents also have the option to take their personal budget as a direct payment so they manage their care independently of commissioned services.</p> <p>Homecare activities include personal care, practical support, assistance with medication, working closely with health staff, emergency support, assistance to be as independent as possible and tasks that contribute to achieving outcomes identified in the individuals care and support plan.</p> <p>The contracted commissioned providers are coming up to the end of their contract and this provides us with an opportunity to review what is working well, areas for improvement, and different ways of working to increase the quality of services residents experience, and improve their individual outcomes. The purpose of the homecare procurement is to procure quality, person centered and outcome focused services, develop a new specification and KPI's, and improve resident involvement, choice and control through a new model of homecare services.</p> <p>Homecare is available to all residents who require it, including older people, people with physical disabilities, learning disabilities and mental health support needs. It is regulated by the Care Quality Commission (CQC) to ensure quality and safe services; they also assign ratings to providers based on their inspections and it is our desire to only place residents with providers who have a rating of at least</p>

	<p>Good.</p> <p>The procurement will only cover the current contracted provision and the packages of care those providers hold. All residents who are using the spot provision will remain with their current provider which will maintain their continuity of care.</p>
Lead officer	<p>Laura Palfreeman</p> <p>Programme Lead</p> <p><a href="mailto:laura.palfreeman@lbhf.gov.uk">laura.palfreeman@lbhf.gov.uk</a></p>
Date of completion of final EIA	26/09/2023

Section 02	Scoping of Full EIA								
Plan for completion	<p>Timing: 2023</p> <p>Resources:            Laura Palfreeman – Programme lead            Johan Van Wijgerden – Strategic lead</p>								
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic. You should use this to determine whether the policy will have a positive, neutral, or negative impact on equality, giving due regard to relevance and proportionality.</p> <table border="1" data-bbox="555 799 2098 912"> <thead> <tr> <th data-bbox="555 799 801 912">Protected characteristic</th> <th data-bbox="801 799 1854 912">Analysis</th> <th data-bbox="1854 799 2098 912">impact:</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Protected characteristic	Analysis	impact:			
Protected characteristic	Analysis	impact:							

	Age	<p>The homecare services to be procured are for all adult residents aged 18 and over. Although it is available for all adults, due to the nature of the service a higher number of older people are affected by any change in services</p> <p>The 2019-20 ADASS Home-based Support Survey 2019-20 indicated across London local authorities, most homecare service users were aged between 75 and 94 years. In H&amp;F, 56% of homecare users are within this age group, and 75.8% are aged over 65 years.</p> <table border="1"> <thead> <tr> <th>Age group</th> <th>count</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>18-25</td> <td>13</td> <td>0.9%</td> </tr> <tr> <td>26-49</td> <td>104</td> <td>7.5%</td> </tr> <tr> <td>50-64</td> <td>219</td> <td>15.7%</td> </tr> <tr> <td>65-74</td> <td>220</td> <td>15.8%</td> </tr> <tr> <td>75-84</td> <td>391</td> <td>28.1%</td> </tr> <tr> <td>85-94</td> <td>388</td> <td>27.9%</td> </tr> <tr> <td>95+</td> <td>56</td> <td>4.0%</td> </tr> <tr> <td>Total</td> <td>1391</td> <td>100</td> </tr> </tbody> </table> <p>Demand for homecare services is expected to increase in the future as the proportion of the population in LBHF aged over 65 years, and the old-age dependency ratio, increases. The demographic shift will likely result in more pressure on healthcare and adult social care services as the prevalence of long-term conditions and multimorbidity increases. The average age of starting homecare services was 74 years, and the average age of a homecare service user was 75 years.</p>	Age group	count	%	18-25	13	0.9%	26-49	104	7.5%	50-64	219	15.7%	65-74	220	15.8%	75-84	391	28.1%	85-94	388	27.9%	95+	56	4.0%	Total	1391	100	Positive
	Age group	count	%																											
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85-94	388	27.9%																												
95+	56	4.0%																												
Total	1391	100																												
	Disability	<p>Individuals receive homecare services in LBHF for one of seven primary support reasons - 76% of service users received homecare primarily for physical support in October 2020. Physical support was</p>	Positive																											

	also the primary reason service users previously receiving reablement were referred to homecare.	
Gender reassignment	There are no identified impacts for gender reassignment. The service will be expected to support residents and treat everyone equally	Neutral
Marriage and Civil Partnership	There are no identified impacts for marriage and civil partnerships.	Neutral
Pregnancy and maternity	There are no identified impacts for marriage and civil partnerships	Neutral
Race	<p>Individuals identifying as Black, Asian or minority ethnic comprised 34.2% of homecare service users in LBHF and individuals identifying as White accounted for 50.1%. This largely correlates with the borough profile which refers to the 2011 census findings that 68.1% of residents identified as White and 31.9% identified as belonging to Black and minority groups.</p> <p>Individuals identifying as mixed ethnicity were the most underrepresented ethnic group receiving homecare services relative to the population in LBHF. The three largest subgroups of ethnicity for homecare residents were individuals identifying as White British (55.3%); Caribbean (12.4%); and White Irish (7.4%).</p>	Neutral
Religion/belief (including non-belief)	<p>There are no identified impacts for religion/belief.</p> <p>The service will be expected to support residents to practice their religion/beliefs and ensure residents and staff are treated equally and without abuse or prejudice based on religious beliefs or lack of.</p>	Neutral
Sex	Homecare services are available to all genders, although the majority of residents using the services are female, and the number	Neutral

		of female carers greatly exceed the number of male carers in the industry. Females residents accounted for 60.9% of homecare users, whereas males comprised 38.4%	
	Sexual Orientation	There are no identified negative impacts for sexual orientation. The service will be expected to ensure equality of access and treatment for all residents; provide sensitive services and deal robustly with all incidents of homophobic harassment, violence and/or abuse.	Neutral
	<p>Human Rights or Children's Rights</p> <p>If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998?</p> <p>No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)?</p> <p>No</p>		

Section 03	<p>Analysis of relevant data</p> <p>Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.</p>
Documents and data reviewed	<p>Borough profile 2018</p> <p>Homecare needs assessment 2020-2021</p>
New research	

Section 04	Consultation
Consultation	<p>We hosted a number of in person events for residents and their families to be able to take part in coproducing the new services. Quality Leads also contacted residents by random selection who were in receipt of homecare services either through commissioned provision or via direct payment. These quality calls will be continuous throughout the year to get resident feedback on the quality and impact of the homecare services they are receiving.</p> <p>In addition, we are recruiting a group of residents to join an overarching co-production group but so far take up has been very low with only one resident registering an interest. I hosted a resident forum to review the draft specification and get feedback and input into this, though resident attendance was low.</p>
Analysis of consultation outcomes	<p>In person events were attended by a small number of the community, with 24 residents attending across 9 events. 54% of attendees were female, 79% were white compared to approx. 50% of homecare users been from white backgrounds meaning they were over represented in the feedback. All attendees were older people, which is the largest user group of homecare services, but means the views of younger people with physical or learning disabilities were not captured.</p> <p>There were mixed responses about the quality of the service people were receiving, but overwhelmingly they supported closer relationships with the people caring for them or their friends / family to help build connections to enable their needs to be better responded to.</p> <p>Residents wanted to be treated with respect in their home and for cultural differences not to impact on the care they receive. E.g. we heard examples of carers been unwilling to prepare or purchase items the resident wanted, such as pork products, due to religious beliefs.</p>
Section 05	Analysis of impact and outcomes
Analysis	<p>Homecare services are available for all residents who have assessed need, and it is accessible via direct referral or referral via a third party. Anyone can ask for a needs assessment, regardless of age, gender, ethnicity or any other protected group. As homecare services are provided free of charge to residents there is no economical barrier for residents accepting care if they are in need. This also supports residents to stay in their homes living independently for as long as possible with access to</p>

their community.

Older people already account for the largest use of homecare services in the borough and the proportion of the population of LBHF aged 65 years and older is projected to increase to 14.7% by 2031. The need for homecare services is therefore likely to increase with this demographic continuing to be the predominant users of the service

There may be a gap in provision for those with specialist needs which the mainstream providers may not have sufficient skill to provide care for, such as dementia, mental health and learning disabilities. From the dementia strategy 2021, dementia diagnoses are expected to rise by 42% to 1,900 people living with dementia in 2030 so it is reasonable to expect the demand for homecare services to rise for this need group.

Learning disabilities and mental health make up the larger portion of younger people who use homecare services. Some further consultation with these groups would be beneficial to understand the issues they face when using the service and what good looks like for them.

In September 2023, the Homecare and Independent Living Procurement Strategy was revised to realise significant financial benefits of the service, without which would not be a financially viable service. As a result, all current spot placements will remain with Bridging providers and only the patch hours of the incumbent providers will be transferred to the new patches. The potential negative impact on quality of service to protected characteristics is considered minimal if the following risk mitigations are put in place:

- Make use of existing oversight tools to help monitor performance of bridging providers.
- Recruitment of additional resources to manage the quality of service.
- Strengthen monitoring arrangements under the new Homecare & Independent Living Service and regularly review.
- The Bridging providers will be expected to ensure equality of access and treatment for all residents (Align with Homecare standards)
- All new contract providers will be considered strategic partners working alongside ASC to improve quality and effect necessary changes in the market over the life of the contract, we will also hold regular Strategic Homecare & Independent Living provider forums.
- Continued use of the Bridging screening tool.



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Section 06	Reducing any adverse impacts and recommendations
Outcome of analysis	No adverse impacts are anticipated but further consultation with residents under 65 using the service would be beneficial.

Section 07	Action plan					
Action plan	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business plan
	Voices of younger people using homecare services not been heard	Use the Quality lead calls to target residents in this age group	Ongoing	Laura Palfreeman	More feedback and engagement from representative groups	

Section 08	Agreement, publication and monitoring
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Chief officers' sign-off	<p>Name: Julius Olu</p> <p>Position: Borough Lead for ASC &amp; PH Commissioning and Partnerships Hammersmith &amp; Fulham Council</p> <p>Email: <a href="mailto:Julius.Olu@lbhf.gov.uk">Julius.Olu@lbhf.gov.uk</a></p> <p>Telephone No</p>
Key decision report (if relevant)	<p>Date Of Procurement Strategy To Cabinet: September 2022</p> <p>Date of Award Report to Cabinet: January 2024</p> <p>Key Equalities Issues Have Been Included: Yes</p>
Equalities lead (where involved)	<p>Name:</p> <p>Position:</p> <p>Date Advice / Guidance Given:</p> <p>Email:</p> <p>Telephone No:</p>



## **Appendix 4 - Quality Improvements in Home Care and Independent Living Service**

The award of the Home Care and Independent Living service has coincided with H&F's new commitment to "100 perfection" in our home care and care homes. We will introduce a system of Total Quality Management in the delivery of this new service.

Our drive to deliver Total Quality Management will entail a total culture shift from how the current home care contracts are seen and managed by H&F to a culture where "perfect" home care is seen as H&F's business as usual.

We intend to make a marked shift from the current position where we have inconsistency in the quality of home care as informed by our residents to a point where the Council and our residents can be assured that we have a Home Care and Independent Living service that delivers perfect home care, with carers/independent living workers (or carers) who are consistent, punctual, well trained and knowledgeable about the residents they care for.

Regardless of their independent hourly rate, all providers will be subject to the same level of contract monitoring and quality assurance.

The Independent Living Worker is the key to the delivery of a quality service and therefore ensuring they are well trained and competent is a priority.

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 18 under CQC regulations covers the requirement for providers to deploy enough suitably qualified, competent and experienced staff to enable them to meet all other regulatory requirements described in this part of the Act. Skills for Care identified the following Core and Statutory training which provider need to incorporate into their suite of training:

<b>Training</b>	<b>Requirements / recommendations</b>
Assisting and moving people	Recommended to be refreshed at least annually and when new risk is introduced
Basic life support and first aid	Basic life support to be refreshed at least annually, and first aid every 3 years
Communication	Learning and development when identified / required or at least every 3 years
Dignity	Learning and development when identified / required or at least every 3 years
Equality and Diversity	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Fire safety	Recommended to be refreshed at least annually and when new risk is introduced
Food hygiene	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Health and safety awareness	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Infection prevention and control	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years

Medication management	Knowledge refreshed and tested annually
Mental capacity and liberty safeguards	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Moving and handling objects	Annual refresher training good practice
Nutrition and hydration	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Oral health	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Person centred care	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Positive behaviour support and non-restrictive practice	Recommended to be refreshed at least annually and when new risk is introduced
Recording and Reporting	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Safeguarding Adults	Assess knowledge and competency annually, and Learning and development when identified / required or at least every 3 years
Safeguarding children	Suggest annual refresher

In addition, the specification states that we require the providers to train carers specifically for person centred care, promoting independence, care planning, communication and record keeping, fall prevention and delivering care with dignity and compassion. We also require providers to train staff in complex needs, including dementia (aligning with the established core competencies from the Dementia Strategy), mental health, learning disabilities and self-neglect.

The service provider must ensure staff receive the required mandatory training as part of their induction, including but not limited to:

- Care Certificate (The Care Certificate is an identified set of standards that health and social care workers adhere to in their daily working life)
- Dementia Awareness
- Equality and Diversity
- Infection Control
- Medication Awareness
- Fire Safety Awareness
- Food Safety
- Health and Safety Awareness
- Safeguarding Adults
- Moving and Handling of people
- LBHF Induction training (Independent Living)

All care workers will be encouraged to complete a Qualifications and Credit Framework (QCF) Level 2 Diploma in Health and Social Care within a year of working. We expect career pathways to be in place and that a sufficient number of staff gain QCF Level 3 Diplomas in the relevant area of expertise.

As part of ongoing contract monitoring, spot checking and random sampling of training matrices, numbers and levels of carers' qualifications will be carried out. We will ensure that we have sight of carers' supervision standing agenda items so we can influence what comprises supervision.

In addition, providers will be required to work in co-production throughout the contract and involve residents in decision-making which drives improvements to the service. We have a set of home care standards which should be shared with residents so they know what to expect and will complete surveys with residents for their feedback

To reassure residents and relatives that we are commissioning good quality home care services, we will make the following available to them:

- CQC ratings
- Annual ASCOF questionnaire outcomes and how we are responding to them
- Key Performance Indicators we use to hold the providers to account
- Suggested I / WE statements (we will work with residents to develop and agree these), it could become a resident's home care charter
- Development of mosaic for frontline staff to complete surveys at point of review/assessments/contacts - Careline staff could also use this same survey tool.
- Resident surveys & resident reviews - Platforms for voice of the residents and ensure carers understand the needs of residents.

Contract monitoring meetings will discuss the Key Performance Indicators and factors influencing them. If some of these are not meeting requirements we ask for a Performance Improvement Plan. We have more regular and enhanced monitoring. If this doesn't resolve, we can implement further contractual levers such as penalties, pausing referrals and finally we can decommission (temporary or permanent) the provider.

Ensuring that Independent Living Workers do have the right work in the UK is primarily an employer's responsibility. We randomly check that providers are observing relevant immigration and employment law.

The commissioning team has also reviewed how it manages contracts to ensure there is a greater focus on measuring outcomes for residents rather than counting widget. One of the outcomes of the review has been the development of a clearer set of proportionate and measurable standards aimed at making a real difference to the lives of residents. In line with this the council will carry out regular announced and unannounced visits to provider locations, visits to residents and random sampling (checking & testing) of quality metrics e.g. London Living Wage (LLW), travel time between visit pay at LLW, training matrices.

Feedback from relatives and residents through survey and meetings with them will also feed into the monitoring of quality improvement as will the feedback from care staff themselves at regular carers forums.



## **NOTICE OF CONSIDERATION OF A KEY DECISION**

In accordance with paragraph 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Authority hereby gives notice of Key Decisions which the Cabinet, Cabinet Members or Chief Officers intend to consider. The list may change from the date of publication as further items may be entered.

## **NOTICE OF THE INTENTION TO CONDUCT BUSINESS IN PRIVATE**

The Authority also hereby gives notice in accordance with paragraph 5 of the above Regulations that it may meet in private to consider Key Decisions going to a Cabinet meeting which may contain confidential or exempt information.

Reports relating to Cabinet key decisions which may be considered in private are indicated in the list of Cabinet Key Decisions below, with the reasons for the decision being made in private. Any person is able to make representations to the Cabinet if he/she believes the Cabinet decision should instead be made in the public at the Cabinet meeting. If you want to make such representations, please e-mail Katia Neale on [katia.neale@lbhf.gov.uk](mailto:katia.neale@lbhf.gov.uk). You will then be sent a response in reply to your representations. Both your representations and the Executive's response will be published on the Council's website at least 5 working days before the Cabinet meeting.

## **KEY DECISIONS PROPOSED TO BE MADE BY THE AUTHORITY FROM JANUARY UNTIL APRIL 2024**

The following is a list of Key Decisions which the Authority proposes to take from January 2024. The list may change over the next few weeks.

**KEY DECISIONS** are those which are likely to result in one or more of the following:

- Any expenditure or savings which are significant (ie. in excess of £300,000) in relation to the Council's budget for the service function to which the decision relates;
- Anything affecting communities living or working in an area comprising two or more wards in the borough;
- Anything affecting the budget and policy framework set by the Council.

The Key Decisions List will be updated and published on the Council's website at least on a monthly basis.

**NB: Key Decisions will generally be taken by the Executive at the Cabinet, by a Cabinet Member or by a Chief Officer.**

*If you have any queries on this Key Decisions List, please contact  
**Katia Neale** on 07776 672 956 or by e-mail to [katia.neale@lbhf.gov.uk](mailto:katia.neale@lbhf.gov.uk)*

### **Access to Key Decision reports and other relevant documents**

Key Decision reports and documents relevant to matters to be considered at the Authority by Cabinet only, will be available on the Council's website ([www.lbhf.org.uk](http://www.lbhf.org.uk)) a minimum of 5 working days before the Cabinet meeting. Further information, and other relevant documents as they become available, can be obtained from the contact officer shown in column 4 of the list below.

### **Decisions**

All Key Decisions will be subject to a 3-day call-in before they can be implemented, unless called in by Councillors.

### **Making your Views Heard**

You can comment on any of the items in this list by contacting the officer shown in column 4. You can also submit a deputation to the Cabinet related to Cabinet Key Decisions only. Full details of how to do this (and the date by which a deputation must be submitted) will be shown in the Cabinet agenda.

### **LONDON BOROUGH OF HAMMERSMITH & FULHAM CABINET**

<b>Leader</b>	Councillor Stephen Cowan
<b>Deputy Leader</b>	Councillor Ben Coleman
<b>Cabinet Member for Children and Education</b>	Councillor Alexandra Sanderson
<b>Cabinet Member for Civic Renewal</b>	Councillor Bora Kwon
<b>Cabinet Member for Climate Change and Ecology</b>	Councillor Wesley Harcourt
<b>Cabinet Member for Economy</b>	Councillor Andrew Jones
<b>Cabinet Member for Finance and Reform</b>	Councillor Rowan Ree
<b>Cabinet Member for Housing and Homelessness</b>	Councillor Frances Umeh
<b>Cabinet Member for Public Realm</b>	Councillor Sharon Holder
<b>Cabinet Member for Social Inclusion and Community Safety</b>	Councillor Rebecca Harvey

*Key Decisions List No. 132 (published 4 January 2024)*



## KEY DECISIONS LIST – FROM JANUARY 2024

**The list also includes decisions proposed to be made by future Cabinet meetings**

*Where column 3 shows a report as EXEMPT, the report for this proposed decision will be considered at the private Cabinet meeting. Anybody may make representations to the Cabinet to the effect that the report should be considered at the open Cabinet meeting (see above).*

\* All these decisions may be called in by Councillors; If a decision is called in, it will not be capable of implementation until a final decision is made.

Decision to be made by	Earliest date the decision will be made and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents publication
<b>CABINET MEMBER AND OFFICER DECISIONS</b>				
<b>Finance</b>				
Cabinet Member for Social Inclusion and Community Safety, Cabinet Member for the Economy	January 2024	<p><b>Construction Code of Practice</b></p> <p>The Council's Noise and Nuisance team would like to publish a Code of Practice for Construction Work. By publishing an approved Code of Construction Practice the council will set out clear requirements for how construction works should be carried out. This will help to ensure that all impacts from those works e.g. noise or dust complaints, are minimised.</p>	Cabinet Member for Social Inclusion and Community Safety, Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for Children and Education	January 2024	<p><b>Short Term Lease for the School House at Hurlingham Academy</b></p> <p>The report requests approval for consent for Hurlingham Academy to enter into a short term lease of the School House (caretakers lodge).</p>	Cabinet Member for Children and Education	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the
	Reason: Expenditure/ income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Palace & Hurlingham	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
				3-day call-in.
Cabinet Member for Children and Education	January 2024	<b>Breakfast Support Provider to Address Food Poverty in Schools</b>  Deliver of expert advice and support to establish hunger focused breakfast provision in schools as well as food deliveries.	Cabinet Member for Children and Education	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Strategic Director of the Economy Department	January 2024	<b>Refurbished Town Hall - Level 06 Fit-Out</b>  The Council is seeking to tender for works to fit-out the new bar and restaurant area on Level 06 of the refurbished Town Hall. Works are likely to include, floor and wall finishes, lighting, kitchen and bar counter.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Hammersmith Broadway	
Cabinet Member for Children and Education	January 2024	<b>GLA funding for Primary School Universal Free School Meals</b>  The Mayor for London announced £130 million of one-off funding to ensure all school children at	Cabinet Member for Children and Education	A detailed report for all decisions going to <b>Cabinet</b> will be available at
	Reason: Expenditure/Income -		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
	Revenue between £500,000 and £5m and Capital between £1.5m and £5m	publicly funded primary schools in London can receive free school meals for the academic year beginning in September 2023.  The funding allocation for Hammersmith & Fulham is funding for schools to implement the meal provision for children in Key Stage 2 who are not otherwise eligible for free school meals.	Contact officer: Marcus Robinson  Marcus.RobinsonCHS@lbhf.gov.uk	least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for the Economy	January 2024	<b>Article 4 Direction</b>  Direction to remove permitted development rights for commercial premises to change use to residential in identified commercial areas within the borough.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for Finance and Reform	January 2024	<b>Smart Building and Environmental Technologies 2023</b>  The council has ambitions to invest in technology to support climate and environmental targets within offices. Facilities are needed to monitor and manage energy and power usage and operate technically efficient buildings whilst providing powerful utilization data.	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
				the start of the 3-day call-in.
Strategic Director of Finance	January 2024	<p><b>Council Tax Single Person Discount Review</b></p> <p>In line with recommendations from DLUHC, the Council conducts a yearly review of the Single Persons Discount (SPD) which has been granted to residents previously under Section.11 Council Tax (Discount and Disregard) LGFA 1993. This review is to establish whether the resident is still eligible for the discount, which is a 25% reduction on the council tax charge.</p>	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Cabinet Member for Finance and Reform	January 2024	<p><b>Council Tax and Business Rates Arrears Reduction Project</b></p> <p>To agree one off revenue funding of £938,000 to support a targeted reduction in Council Tax and Business Rates arrears, to be funded from the Council's efficiency projects reserve (invest to save).</p>	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
Cabinet Member for Public Realm	January 2024	<b>Hammersmith Bridge Stabilisation and Restoration</b>  Specialist advice services for the stabilisation and restoration of Hammersmith Bridge	Cabinet Member for Public Realm	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for the Economy	Before 31 Mar 2024	<b>Instruction to H&amp;F Developments Ltd to grant a lease on civic campus Block B Restaurant</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Hammersmith Broadway	
Strategic Director of the Economy Department	January 2024	<b>Instruction to H&amp;F Developments Ltd to grant cinema lease to successful operator</b>  The Council's nominee company, H&F Housing Developments Ltd, acts upon the instruction of the council in matters relating to commercial leases at the Civic Campus.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Expenditure/Income over £5m & policies or new income, reserves use,		Ward(s): Hammersmith Broadway	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
	overspend over £300K	PART OPEN PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.		<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	Before 31 Mar 2024  Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m	<b>Instruction to H&amp;F Developments Ltd to grant a lease on civic campus Block C cafe</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus	Cabinet Member for the Economy  Ward(s): Hammersmith Broadway  Contact officer: Philippa Cartwright  Philippa.Cartwright@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	Before 31 Mar 2024  Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m	<b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus Block C retail unit</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus	Cabinet Member for the Economy  Ward(s): Hammersmith Broadway  Contact officer: Philippa Cartwright  Philippa.Cartwright@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer</b>

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
				Decisions reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	<p>January 2024</p> <p>Reason: Expenditure/ income over £5m &amp; policies or new income, reserves use, overspend over £300K</p>	<p><b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus convenience store to successful operator</b></p> <p>The Council's nominee company, H&amp;F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.</p> <p>PART OPEN PART PRIVATE</p> <p>Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Cabinet Member for the Economy</p> <p>Ward(s): Hammersmith Broadway</p> <p>Contact officer: Philippa Cartwright Philippa.Cartwright@lbhf.gov.uk</p>	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	<p>March 2024</p> <p>Reason: Expenditure/ income over £5m &amp; policies or new income, reserves use, overspend over £300K</p>	<p><b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus Block B 1st floor office</b></p> <p>The Council's nominee company, H&amp;F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.</p>	<p>Cabinet Member for the Economy</p> <p>Ward(s): Hammersmith Broadway</p> <p>Contact officer: Philippa Cartwright Philippa.Cartwright@lbhf.gov.uk</p>	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
				published at the start of the 3-day call-in.
Strategic Director of the Economy Department	March 2024	<p><b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus Block B 2nd floor office</b></p> <p>The Council's nominee company, H&amp;F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.</p>	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): Hammersmith Broadway	
Strategic Director of the Economy Department	March 2024	<p><b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus Block B 3rd floor office</b></p> <p>The Council's nominee company, H&amp;F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.</p>	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): Hammersmith Broadway	



Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
Strategic Director of the Economy Department	March 2024	<b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus Block B 4th floor office</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): Hammersmith Broadway	
	Contact officer: Philippa Cartwright  Philippa.Cartwright@lbhf.gov.uk			
Strategic Director of the Economy Department	March 2024	<b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus Block B 5th floor office</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): Hammersmith Broadway	
	Contact officer: Philippa Cartwright  Philippa.Cartwright@lbhf.gov.uk			
Strategic Director of the Economy Department	March 2024	<b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus Block B 6th floor office</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Expenditure/Income over £5m & policies or new income, reserves use,		Ward(s): Hammersmith Broadway	
	Contact officer: Philippa Cartwright Philippa.Cartwright@lbhf.gov.uk			

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
	overspend over £300K			<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for the Economy	Before 31 Mar 2024	<b>Instruction to H&amp;F Developments Ltd to grant a lease on civic campus Block B 7th floor office</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Hammersmith Broadway	
Cabinet Member for the Economy	Before 31 Mar 2024	<b>Instruction to H&amp;F Developments Ltd to grant lease on civic campus Block B ground floor office / reception</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Hammersmith Broadway	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
Cabinet Member for the Economy	Before 31 Mar 2024	<b>Instruction to H&amp;F Developments Ltd to grant a lease on civic campus Affordable Start-up Unit 2</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Hammersmith Broadway	
	Contact officer: Philippa Cartwright  Philippa.Cartwright@lbhf.gov.uk			
Cabinet Member for the Economy	Before 31 Mar 2024	<b>Instruction to H&amp;F Developments Ltd to grant a lease on civic campus Affordable Start-up Unit 1</b>  The Council's nominee company, H&F Housing Developments Ltd acts on the instruction of the Council in all matters related to the commercial leases on the civic campus	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Hammersmith Broadway	
	Contact officer: Philippa Cartwright  Philippa.Cartwright@lbhf.gov.uk			
Cabinet Member for Public Realm	January 2024	<b>Wood Lane / Depot Road Junction Improvement Scheme - S106 Highway Works</b>  This is a junction improvement scheme which involves a complete redesign of the junction, including new traffic signals, new access road into the Imperial College Campus Site, carriageway and footway repaving, greening and	Cabinet Member for Public Realm	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): College Park and Old Oak	
	Contact officer: Michael Masella  michael.masell@lbhf.gov.uk			

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
		incorporating the new C34 bi-directional cycle lane through the junction.		<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for Public Realm	January 2024	<b>Contract Award Report for Cycle Hangar Roll Out 2024-27</b>  To enable the roll out of up to 500 Cycle Hangars across the borough, thereby meeting our current residents' waiting list which is 3000-strong	Cabinet Member for Public Realm	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for Social Inclusion and Community Safety	March 2024	<b>Decision to introduce a Public Spaces Protection Order (PSPO) relating to street harassment</b>  This report will outline the result of a public consultation into whether to introduce a Public Space Protection Order to prevent street harassment	Cabinet Member for Social Inclusion and Community Safety	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
Strategic Director of the Economy Department	Before 31 Mar 2024	<b>Acquisition of freehold properties</b>  Acquisition of freehold properties under the Refugee Housing Programme / Local Authority Housing Fund Round 2.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s):	
			Contact officer: Joe Coyne  joe.coyne@lbhf.gov.uk	
Strategic Director of the Economy Department	Before 31 Mar 2024	<b>Acquisition of leasehold properties</b>  Decision to acquire leasehold properties using funding from the Refugee Housing Programme and the Local Authority Housing Fund Round 2.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s):	
			Contact officer: Joe Coyne  joe.coyne@lbhf.gov.uk	
Cabinet Member for the Economy	January 2024	<b>Hammersmith Town Centre Supplementary Planning Document</b>  A supplementary planning document to help guide development in Hammersmith Town Centre	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Affects 2 or more wards		Ward(s): All Wards	
			Contact officer: David Gawthorpe  David.Gawthorpe@lbhf.gov.uk	

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				<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	January 2024	<b>Property adaptations to meet the needs of our Young People with ASD and LD</b>  Report to approve housing adaptations to meet the needs of our young people with ASD and LD, and to tender the works required.	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Cabinet Member for the Economy	21 Jan 2024	<b>Civic Campus Cinema Decision</b>  Cabinet Member for the Economy to make a decision on entering into an agreement for the cinema lease at the Civic Campus.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Hammersmith Broadway	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
Cabinet Member for Social Inclusion and Community Safety	Before 31 Mar 2024	<p><b>LET FPN fine increase</b></p> <p>Amendments to fixed penalty notice charges to be issued by Law Enforcement Team</p>	Cabinet Member for Social Inclusion and Community Safety	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Affects 2 or more wards		Ward(s): All Wards	
	Contact officer: Mohammed Basith  Mohammed.Basith@lbhf.gov.uk			

**Corporate**

Strategic Director of the Economy Department	January 2024	<p><b>White City Central - Variation to the appointments of Mae, Curtins, 24 Acoustics, Make:Good and Farrer Huxley to include RIBA 3A</b></p> <p>This report concerns the proposed development of the site known as White City Central area ("site").</p> <p>The report seeks the approval for the variation of existing contracts for stage RIBA 3A to assist in the procurement of the main contractor.</p>	Cabinet Member for the Economy	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for Children and Education	January 2024	<p><b>Maintained Nursery Grant Funding</b></p> <p>Approve maintained nursery funding for academic year 22/23 at current levels from early years block</p>	Cabinet Member for Children and Education	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date</p>
Reason: Expenditure/Income - Revenue between	Ward(s): All Wards			
Contact officer: Paul Triantis				

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
	£500,000 and £5m and Capital between £1.5m and £5m		Paul.Triantis@lbhf.gov.uk	of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	January 2024	<b>Procurement Strategy &amp; Award of Air Source Heat Pumps</b>  We are proposing to let and award a contract for the supply and installation of air to water source heat pump system (s) at 105 Greyhound Road, W6 8NL and the Public Mortuary at 200 Townmead Road, SW6 2RE.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): Sands End	
Cabinet Member for Housing and Homelessness	January 2024	<b>Contract Award Report - Consultancy Services Framework</b>  Contract award report in relation to the appointment of specialist external consultants to deliver professional services for the Economy Department covering: Multi-disciplinary services (such as Quantity Surveyors, Contract Administrators, Project Managers, Principal Designers including CDM Consultants/Advisors, Building Surveyors and Employers Agents including a combination of such services); Engineering Services (such as Mechanical & Electrical and Civil and Structural); Architectural Services; Clerk of	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	



Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
		<p>Works Services; and Fire Consultancy Services.</p> <p>The Consultancy Services Framework Agreement comprises eight (8) lots and will run for a period of four (4) years.</p>		
Leader of the Council	January 2024	<p><b>Open Market Acquisition</b></p> <p>The authority to acquire residential properties to accelerate the delivery of genuinely affordable housing in the borough, to meet the urgent need for affordable housing.</p>	Cabinet Member for the Economy	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
Cabinet Member for Housing and Homelessness	January 2024	<p><b>Variations to Housing Repairs Contract</b></p> <p>Contract variation to existing housing repairs contract</p>	Cabinet Member for Housing and Homelessness	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason:		Ward(s): All Wards	

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Strategic Director of Finance	January 2024	<b>Land and property-based ICT system contract extension</b>  Approval of a 12 month contract extension with existing provider IDOX to enable the data migration and new system configuration to take place	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Cabinet Member for Public Realm	January 2024	<b>Parking Bailiff Enforcement Procurement Strategy</b>  This decision will be to sign off on the procurement strategy relating to the bailiff enforcement contract for outstanding Penalty Charge Notice (PCN) debt.	Cabinet Member for Public Realm	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for Children and Education	January 2024	<b>Procurement Strategy for Community Schools Programme Refurbishment Works</b>  To refurbish Lena Gardens and Mund St. sites to serve as decant locations for schools in the Community Schools Programme	Cabinet Member for Children and Education	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date
	Reason: Expenditure/Income - Revenue between		Ward(s): Avonmore; Addison; Brook Green; Ravenscourt	

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	£500,000 and £5m and Capital between £1.5m and £5m		Contact officer: Anthony Muga Anthony.Muga@lbhf.gov.uk	of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for Public Realm	January 2024	<p><b>Contract award for Residential Charging Network expansion</b></p> <p>The Council has successfully secured £4.2 million of funding from the On-street Residential Charging Scheme (ORCS), run by the Office for Low Emission Vehicles. This report now seeks approval for the procurement strategy to expand the residential lamp column charge point network through an award of a concession contract, as recommended in this report, to Joju Limited (Joju) for a period of five years commencing in Summer 2022, with the option for the Council to extend for a further two years.</p>	Cabinet Member for Public Realm	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for the Economy	January 2024	<p><b>Design Team contract award - Four Development Sites</b></p> <p>Contract award - Lead Architect and Design Team for the proposed developments of new homes at Barclay Close, Becklow Gardens, The Grange &amp; Jepson House.</p>	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Coningham; Walham Green; Sands End	

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Strategic Director of the Economy Department	January 2024	<p><b>Community Schools Programme – Variation to the appointment of Design Team (BPTW)</b></p> <p>Variation to existing contract for Design Team services (encompassing architectural design services) for the Community Schools Programme.</p>	Cabinet Member for the Economy	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Affects 2 or more wards		Ward(s): Avonmore; Ravenscourt	
Deputy Leader	January 2024	<p><b>Direct Award of Contract for Minterne Gardens Extra Care Service</b></p> <p>The decision is to agree that the Contract with Housing 21 will start from February 2023 until 31st March 2027.</p> <p>The decision is to agree that the total value of the four-year Housing 21 Minterne Gardens contract is expected to be £3,919,566.</p> <p>The service is based on a core and flexi model which fits around resident's needs. This contract will provide a consistent and sustainable Extra Care Service for resident of the borough, which promotes independent living, enabling them to remain in their own home for as long as possible and reduces the need for more expensive residential care.</p>		<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): White City; Wormholt	

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Strategic Director of the Economy Department	January 2024	<p><b>Decarbonisation of non-domestic properties (phase 2) - WOS - contract award</b></p> <p>Decision relates to the award of a Works / Optimisation Service (WOS) contract for retrofitting and decarbonising H&amp;F assets (incl. replacement of gas boilers with ASHPs).</p> <p>This decision follows the procurement strategy taken to Cabinet on 18th July 2022 and the Cabinet report (requesting approval for authority to award the contract to be delegated to relevant the SLT Director, in consultation with the Cabinet Member) on 6th March 2023.</p> <p>The WOS contract will be used for the installation of Energy Conservation Measures (ECMs) at H&amp;F non-domestic properties. The delivery of decarbonisation and retrofit projects will support the Council to achieve its net-zero carbon target and reduce carbon emissions in H&amp;F.</p>	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards  Contact officer: Jonathan Skaife  Jonathan.Skaife@lbhf.gov.uk	
Cabinet Member for Housing and Homelessness	January 2024	<p><b>Procurement Strategy/Contract Award approval to Cablesheer to support with housing voids and repairs</b></p> <p>We are looking for both procurement strategy and contract award approval to direct award a 3 year contract to Cablesheer. The contract will instruct work orders to Cablesheer to support our term-service patch contractors with housing voids and repairs.</p> <p>This direct award will be through a compliant Construction Framework (The national framework partnership). The contract value will be for a maximum value of £4,500,000 over a 36 month</p>	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards  Contact officer: Nick Marco-Wadey Tel: 07988490264 Nick.Marco-Wadey@lbhf.gov.uk	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
		duration. The contract will apportion the spend equally at £1,500,000 per annum.		
Cabinet Member for Housing and Homelessness	January 2024	<p><b>Installation of lift motor room air conditioning</b></p> <p>The impact of climate change and severe weather events is becoming all more frequent with significant temperature events in since 2020 with 40°C being surpassed in 2022*. These increases have many impacts on residents and buildings and the associated infrastructure including the failure of operational systems such as lifts.</p> <p>Since 2020, we have noticed a rise in temperatures during summer months, which has resulted in 50 lifts going out of service as the operating temperatures in motor rooms housing the plant are exceeded. This results in significant impacts on residents in accessing their homes or exiting the building. The installed passive air flow grilles in the motor rooms are inadequate to provide a cool operating function and therefore there is need for the provision of active climatic control within the motor rooms.</p> <p>Furthermore, temperatures drop below freezing during the winter months, having an adverse effect on control units due to ice forming on motor room walls during the day with this resulting in condensation which pours into control panel</p>	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

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		and malfunctions the drive units. To manage this risk, the provision of full function air conditioning units to manage temperatures within lift motor rooms is urgently required. This report recommends approving a 1-year contract (Via a waiver to standing orders) to install circa 120 air conditioning units in lift motor rooms with an estimated spend of £500,000 to Drurycourt Limited.		
Strategic Director for the Environment	January 2024  Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	<b>Alternative Ecological Mitigation at Wormwood Scrubs Contractors Procurement</b>  This report is seeking permission for the council to approach the market and procure contractors for the implementation of the Alternative Ecological Mitigation (AEM) Masterplan capital works and 10 Year Management and Maintenance Plan (MMP) for Wormwood Scrubs.	Cabinet Member for Public Realm  Ward(s): College Park and Old Oak  Contact officer: Vicki Abel  Victoria.Abel@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for Housing and Homelessness	January 2024  Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	<b>Approval to extend our roofing contract by 12 months.</b>  We seek approval to extend our existing contract with our roofing subcontractor. This contract currently supports our DLO by carrying out roofing repairs and maintenance works, on behalf of H&F Maintenance, our Direct Labour Organisation ('the DLO'). The DLO has responsibility for carrying out repairs to communal areas for most of our council housing stock. Due to the	Cabinet Member for Housing and Homelessness  Ward(s): All Wards  Contact officer: Nick Marco-Wadey Tel: 07988490264 Nick.Marco-Wadey@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b>

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
		<p>specialist nature of roofing works the DLO requires a subcontractor to carry out roofing repairs and maintenance works on its behalf.</p> <p>We initially procured this provider under a JCT measured term contract from the 16th of May 2022 until the 15th of May 2024. The original contract award allowed for a 12 month extension of the contract until the 15th of May 2025.</p> <p>We are seeking approval to action this extension of the contract until the 15th of May 2025.</p>		reports will be published at the start of the 3-day call-in.
Director Children's Services	<p>January 2024</p> <p>Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m</p>	<p><b>Contract Award for Home Extension for Long term Connected Persons Foster Carers</b></p> <p>Proposal to award a contract, following a competitive tendering process, for the creation of a loft and side extension to an out-of-borough foster home.</p>	<p>Cabinet Member for Children and Education</p> <p>Ward(s): Outside the Borough</p> <p>Contact officer: Vince Conway Tel: 020 8753 1915 Vince.Conway@lbhf.gov.uk</p>	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for Housing and Homelessness	<p>January 2024</p> <p>Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between</p>	<p><b>Procurement strategy for air source heat pump communal heating and hot water system and thermal insulation of building fabric energy efficiency pilot project</b></p> <p>We are seeking approval to replace the existing gas communal heating and hot water system, which has reached the end of its operating life, with an air source heat</p>	<p>Cabinet Member for Housing and Homelessness</p> <p>Ward(s): All Wards</p> <p>Contact officer: Richard Buckley richard.buckley@lbhf.gov.uk</p>	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and</b>



Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
	£1.5m and £5m	pump (electric) system and in tandem undertake climate change adaptations (e.g., thermally insulate the fabric of the building) at Philpot Square, Peterborough Road, London, SW6 3HT. The system serves 72 households. We seek to use the Procurement for Housing Framework: 'Decarbonisation and Retrofit' – Lot 2 'Air Source Heat Pumps' to appoint capable design and build. We will call-off this framework via a mini-competition.		<b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Deputy Leader	January 2024  Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	<b>Day Opportunities Direct Award Contract</b>  The purpose of this report is to approve a Direct Award to both Nubian Life and the Alzheimer's Society to the total value of £564,887. For both services, the contract ends on the 31st March 2023 and to ensure service continuity as well as planning a co-production project and tender in order that on the 1 June 2024 a revised service will be put in place.	Deputy Leader  Ward(s): All Wards  Contact officer: Laura Palfreeman Tel: 0208 753 1953 Laura.Palfreeman@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Director Children's Services	January 2024  Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m	<b>Procurement Strategy for Temporary Classroom Unit at Woodlane High School</b>  Provision of 20 additional temporary spaces at Woodlane High Schools	Cabinet Member for Children and Education  Ward(s): All Wards  Contact officer: Anthony Mugan  Anthony.Mugan@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer</b>

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				<b>Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for Housing and Homelessness	January 2024	<p><b>Direct Award via the Southeast Consortium Framework for a Windows installation/replacement contractor</b></p> <p>We are seeking approval to compliantly direct award a 3 year, £3,000,000 windows installation and replacement contract via the Southeast Consortium Framework.</p> <p>This contract will provide the council with the additional capacity required to support our increasing work order demand within the repairs service.</p>	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Strategic Director of the Economy Department	January 2024	<p><b>Procurement of a Marquee for the refurbished Hammersmith Town Hall</b></p> <p>The Council is seeking to procure a marquee for the outdoor area of the rooftop bar and restaurant on Level 06 of the refurbished Town Hall</p>	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Hammersmith Broadway	

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Cabinet Member for the Economy	January 2024	<b>Procurement and Installation of Audio Visual Equipment, Desk Booking and Smart Technology within the refurbished Town Hall</b>  The Council is seeking to tender for works to procure and install the following: - Audio Visual equipment - Desk Booking technology - Smart technology	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Hammersmith Broadway	
Strategic Director of the Economy Department	January 2024	<b>Procure joinery works in relation to large Furniture and Fixtures at the refurbished Town Hall</b>  The Council is seeking to tender a joinery package for the provision of two large reception desks and a bar counter at the refurbished Town Hall	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Hammersmith Broadway	
Cabinet Member for the Economy	January 2024	<b>Fulham Library &amp; Macbeth Centre Roof Replacement</b>  Roof Replacement works	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Fulham Reach	

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				<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	January 2024	<p><b>Award of contract for the provision of pre-construction services relating to the major refurbishment of the Charecroft estate W12</b></p> <p>Appointment of contractor to enter into a Pre-Construction Services Agreement (PCSA) in relation to fire safety upgrade and refurbishment works to Charecroft estate W12 (Bush Court, Shepherds Court, Woodford Court, Roseford Court)</p>	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Addison	
Cabinet Member for Children and Education	January 2024	<p><b>GLA funding for Primary School Universal Free School Meals</b></p> <p>The Mayor for London announced £130 million of one-off funding to ensure all school children at publicly funded primary schools in London can receive free school meals for the academic year beginning in September 2023.</p> <p>The funding allocation for Hammersmith &amp; Fulham is funding for schools to implement the meal provision for children in Key Stage 2 who are not otherwise eligible for free school meals..</p>	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

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Cabinet Member for the Economy	January 2024	<p><b>2023 ICT Service Desk procurement</b></p> <p>ICT Service Desk procurement</p>	Cabinet Member for the Economy	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for Housing and Homelessness	January 2024	<p><b>Contract Award to Baily Garner for consultancy services relating to sprinkler system works.</b></p> <p>The Fire Safety Works team are required to undertake a 4 year programme of works to cover general fire safety remedial works such as sprinkler retrofit and fire door replacement. These works are estimated to cost in the region of £15,000,000 to £20,000,000.</p> <p>To deliver this work programme, the client team need to instruct a competent consultant to be lead on: contract administration/building surveyor, cost control and construction and design management (CDM). To deliver the programme on schedule, we need to instruct this consultant by December 2023.</p> <p>We are therefore proposing a compliant direct contract award under the Southeast Consortium Consultancy Framework- LOT 11 'Multi-disciplinary services' to the 1st ranked bidder- Baily Garner.</p>	Cabinet Member for Housing and Homelessness	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

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		The contract value will be for up to £1,000,000, over a 4 year period.		
Strategic Director of the Economy Department	Before 24 Jan 2024	<b>Procurement of a works contract for Commercial office block lobby fit-out (Civic Campus)</b>  The existing build contract is for shell and core only. Work is required to fit-out the lobby area.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Hammersmith Broadway	
Strategic Director of the Economy Department	January 2024	<b>Procurement of furniture for Ground to floor 5 of the Civic Campus</b>  As part of the transition of the workforce to the Civic Campus, furniture is required in order to allow the workforce to continue to deliver the services it currently does.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Hammersmith Broadway	
Strategic Director of the Economy Department	January 2024	<b>Approval to award contract for 6th Floor Terrace Landscaping Works (Civic Campus)</b>  The refurbishment of the Civic Campus building is currently	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at
	Reason: Expenditure/Income		Ward(s): Hammersmith Broadway	

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	above £300K - Revenue up to £500k and Capital up to 1.5m	underway. A contract is required to procure for the work on the roof garden, which will be on the 6th floor terrace.	<p>Contact officer: Philippa Cartwright</p> <p>Philippa.Cartwright@lbhf.gov.uk</p>	least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	<p>January 2024</p> <hr/> <p>Reason:</p>	<p><b>Bishops Park Riverside Railings Refurbishment - award</b></p> <p>To award the contract to the successful tenderer following the evaluation process.</p>	<p>Cabinet Member for Public Realm</p> <hr/> <p>Ward(s): Palace &amp; Hurlingham</p> <hr/> <p>Contact officer: Hugo Ross-Tatam</p> <p>Hugo.ross-tatam@lbhf.gov.uk</p>	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Strategic Director of the Economy Department	<p>January 2024</p> <hr/> <p>Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m</p>	<p><b>Procurement Strategy for the Linford Christie Changing room</b></p> <p>Demolition of Linford Christie Changing room and shower block and the provision of design, purchase and installation of six purpose-built WC, changing room and shower facility porta cabins for Linford Christie</p>	<p>Cabinet Member for the Economy</p> <hr/> <p>Ward(s): College Park and Old Oak</p> <hr/> <p>Contact officer: Sebastian Mazurczak Tel: 020 8753 1707 Sebastian.Mazurczak@lbhf.gov.uk</p>	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at

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				the start of the 3-day call-in.
Strategic Director for the Environment	January 2024	<p><b>Procurement strategy - Contract for Parking Suspension System</b></p> <p>The Parking department is looking to carry out a procurement exercise for a new Suspensions system utilising G-Cloud 13.</p>	Cabinet Member for Public Realm	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Strategic Director of the Economy Department	January 2024	<p><b>Contract award for provision of disrepair and void works</b></p> <p>Contract award for the provision of disrepair works</p>	Cabinet Member for Housing and Homelessness	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	



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Strategic Director of the Economy Department	January 2024	<b>Procurement Strategy for Garage Refurbishment</b>  Approval for the strategy to procure a contractor to deliver the Phase 3 programme of refurbishment works to garages on housing land.	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): All Wards	
Cabinet Member for Housing and Homelessness	January 2024	<b>Contract Award to Effectable Construction Services for the provision of damp and mould works</b>  A direct contract award for the provision of Tier 1 and Tier 2 damp and mould works in council housing across the borough.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for the Economy	January 2024	<b>Four Sites - Appointment of Design Team</b>  Following the procurement process. This report will seek approval to appoint the design team for the four sites.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Expenditure/Income above £300K - Revenue up to £500k and Capital up to 1.5m		Ward(s): Sands End; Coningham; Walham Green	

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			Labab.Lubab@lbhf.gov.uk	<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for the Economy	January 2024	<b>Four Sites - Appointment of Control Team</b>  Following the procurement process. This report will seek approval to appoint the Control team for the four sites.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Coningham; Walham Green; Sands End	
Cabinet Member for Children and Education	January 2024	<b>Procurement Strategy for Voucher Payment Solution</b>  Procurement Strategy for the provision of closed loop supermarket vouchers	Cabinet Member for Children and Education	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

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Cabinet Member for the Economy	January 2024	<p><b>The Public Mortuary - Replacement of Air Cooled Chiller and Boilers with Air Source Heat Pumps</b></p> <p>The works will include for the Replacement of the existing Air-Cooled Chiller, gas fired boilers and hot water heaters with Air Source Heat Pumps, upgraded Air Handling Units, controls and associated electrical works.</p>	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Sands End	
Cabinet Member for Finance and Reform	January 2024	<p><b>CONTRACT EXTENSION FOR VARIABLE DATA PRINTING SERVICES</b></p> <p>The Council's four-year contract for variable data print services ended on 30 November 2021. This contract included printing and mailing communications for several Council services, including revenues and benefits, housing and electoral services. These services continue to go through a programme of transformation, with a focus on improved digital delivery. A new two-year contract (with the option to extend for a further two years) was recommended to ensure short-term stability of service as this transformation is embedded and services focus on Covid recovery.</p> <p>The contract was awarded to the current supplier, (Financial Data Management Ltd) who had performed well throughout the contract and continues to actively support the council in the delivery of a wide range of business-critical services. As such, and to ensure</p>	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

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		ongoing service delivery, an extension of a further 2 years as per the terms of the contract awarded in Nov 2021, is considered to be the most efficient and economically advantageous solution. The extension of the contract will be on the same terms and conditions as the current contract, where costs are incurred based on actual service volumes. This provides for the opportunity to reduce printing and mailing costs as the Council expands its' programme of digitalisation across these service areas.		
Cabinet Member for Housing and Homelessness	January 2024	<p><b>Procurement Strategy for Housing Lift Modernisation of Barton and Jepson House</b></p> <p>To maintain the lift service, it has been recommended that works to modernise the lift should be carried out. This will both improve the reliability of the lifts and reduce future running costs.</p>	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	
Cabinet Member for Housing and Homelessness	2 Feb 2024	<p><b>Procurement strategy and award report for the provision of materials for the Direct Labour Organisation</b></p> <p>A contract award to provide materials, tools and storage facilities for the general repairs and fire safety Direct Labour Organisations.</p>	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer</b>
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and		Ward(s): All Wards	

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	£5m			<b>Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for Social Inclusion and Community Safety	January 2024	<b>Specialist Co-located IDVA service</b>  Award decision on the provision of specialist co-located IDVA contract	Cabinet Member for Social Inclusion and Community Safety	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for Public Realm	January 2024	<b>Smart Transport - Traffic Data Procurement</b>  To procure Smart Transport to handle the Parking departments on-street data collection needs.	Cabinet Member for Public Realm	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
Strategic Director for the Environment	January 2024	<b>Permit Procurement Award Report</b>  Award report for a new permit system within Parking	Cabinet Member for Public Realm	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
	Contact officer: Oscar Turnerberg Tel: 074 9854 2978 oscar.turnerberg@lbhf.gov.uk			
Cabinet Member for the Economy	January 2024	<b>Strategy Report for Procurement of Energy - Flexible April 2025-2030</b>  This strategy report requests approval for a new Energy Procurement for Housing Communal Landlord Supply & Corporate Properties for the period 2025-2030, as our current contracts are due to end 31st March 2025.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet Member for Housing and Homelessness	25 Jan 2024	<b>Procurement Strategy for a works contract for spandrel panel replacement and associated works on four high-rise blocks</b>  Approval of this procurement strategy is required to enable the continuation of a programme to replace insulated panels forming part of the external walls of	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and		Ward(s): Fulham Reach; Ravenscourt; Lillie; Sands End	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
	Capital between £1.5m and £5m	buildings, either fixed to masonry or incorporated into window frames. The intent of such panels is to provide thermal insulation and aesthetics but in some cases, whilst units will have been compliant with Building Regulations at the time of installation, the fire safety of these panels cannot be guaranteed. In such cases the replacement with A1-rated units is the appropriate course of action.	Tel: 020 8753 1915 Vince.Conway@lbhf.gov.uk	<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet Member for Housing and Homelessness	25 Jan 2024	<p><b>Short-Term Contract Variation to Council Repairs Contract (LOT 3)</b></p> <p>This report is seeking approval to temporarily vary the Mears Central Repairs contract. This variation will involve allowing for additional temporary supervisory and administrative support as well as an enhancement on the current contract rates.</p> <p>The variation will involve cost changes totalling up to £680,000. This will be a temporary variation for a 17-week period. This variation will take effect in January 2024.</p> <p><b>Reasons for urgency:</b></p> <p>The repairs service is continuing to work through a backlog of work orders to bring void properties back to a lettable standard. With this, the repairs service has identified 85 properties, across all geographic patches, to which they are aiming to bring back to let within a 17-week period (This will involve completing 5</p>	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
		<p>properties a week) commencing in January 2024.</p> <p>To achieve this outcome however, we need to configure our supply chain so that it can respond at pace to this urgent requirement. To do this, we will need to ensure that the contractor is paid rates that are in keeping with current market demands and provide the contractor with additional resource in the form of a supervisor and an administrator to effectively co-ordinate these urgent works. This contract variation needs to take place in January 2024 and therefore an urgent key decision is needed to facilitate this.</p>		

**CABINET - 15 January 2024**

Cabinet	15 Jan 2024	<p><b>Acquiring New Affordable Homes in Fulham Riverside</b></p> <p>Acquiring New Affordable Homes in Quayside Lodge</p>	Cabinet Member for the Economy	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	<p>Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m</p>		Ward(s): Sands End	



Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
Cabinet	15 Jan 2024	<b>Supported Housing Acquisition</b>  Proposal to acquire a supported housing building for rough sleepers	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m		Ward(s): Munster	
Cabinet	15 Jan 2024	<b>Annual Emergency Planning &amp; Business Continuity Report</b>  The Council has responsibilities under the Civil Contingencies Act 2004 to plan and respond to emergencies and to have business continuity arrangements in place to reduce the risk of service disruption.  This annual report provides an overview of activity over the previous year and the priorities and work plan for the forthcoming year. The report highlights areas of work for the new financial year to ensure continuous improvement in the service.	Cabinet Member for Social Inclusion and Community Safety	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	15 Jan 2024	<b>CAPITAL PROGRAMME MONITOR &amp; BUDGET VARIATIONS, 2023/24 (SECOND QUARTER)</b>  This report provides a financial update on the council's capital programme and requests approval for budget variations to the capital programme.	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Expenditure/Income over £5m & policies or new income, reserves use,		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
	overspend over £300K			<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	15 Jan 2024	<b>2023/24 Corporate Revenue Monitor - Month 6 (September 2023)</b>  To note the Council's financial forecast position	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	15 Jan 2024	<b>Council Tax Base and Collection Rate 2024/25 and Delegation of the Business Rate Estimate</b>  This report is a statutory requirement that sets the council tax base for the purposes of the 2024/25 revenue budget.	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
Cabinet	15 Jan 2024	<b>Council Tax Support Scheme 24/25</b>  To agree the Council Tax Support Scheme for 24/25	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	15 Jan 2024	<b>Alternative Provision Strategy</b>  Hammersmith & Fulham have developed our local area Alternative Provision (AP) Strategy which sets out our strategic approach in light of the Department for Education's published Special Educational Needs and Disabilities and Alternative Provision Improvement Plan.	Cabinet Member for Children and Education	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	15 Jan 2024	<b>Serious Violence Duty - Strategy and Strategic Needs Assessment</b>  As a requirement of the Police and Justice Act 2006, a strategy must be produced on how the borough tackles serious violence along with a strategic needs assessment of the level and geographical location of serious violence in the borough.	Cabinet Member for Social Inclusion and Community Safety	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Affects 2 or more wards		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
			020 8753 3102 laura.seamons@lbhf.gov.uk, beth.morgan@lbhf.gov.uk	<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	15 Jan 2024  Reason: Affects 2 or more wards	<b>Teaching Commission</b>  This is a covering report accompanying the findings and recommendations of the Teaching Commission. Publication of resident led commission which looks at imaginative and innovative ways to attract, support and retain teachers in H&F.	Cabinet Member for Children and Education  Ward(s): All Wards  Contact officer: Joe Gunning, Georgina Herry Tel: 07769672031, Joe.Gunning@lbhf.gov.uk, Georgina.Herry@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	15 Jan 2024  Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	<b>Award of the Home Care and Independent Living Service contracts</b>  The key decision award report for home care and independent living to be signed off by Cabinet Member. The service provides home to residents living in the borough with assessed eligible need  PART OPEN PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule	Ward(s): All Wards  Contact officer: Laura Palfreeman Tel: 0208 753 1953 Laura.Palfreeman@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision <b>Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.</b>	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
		12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.		

**CABINET - 12 February 2024**

Cabinet	12 Feb 2024	<b>Civic Campus Commercial Leasing Strategy</b>	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K	<p>This report seeks approval of the commercial leasing strategy for entering into leases with proposed tenants of all of the refurbished and newly built commercial premises on the Civic Campus.</p> <p><b>PART OPEN</b> <b>PART PRIVATE</b></p> <p>Part of this report is exempt from disclosure on the grounds that it contains information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Ward(s): All Wards</p> <p>Contact officer: Philippa Cartwright, Denise McEnery</p> <p>Philippa.Cartwright@lbhf.gov.uk, Denise.McEnery@lbhf.gov.uk</p>	
Cabinet	12 Feb 2024	<b>Grant Strategy for the launch of the Third Sector Investment Fund (3SIF)</b>	Cabinet Member for Social Inclusion and Community Safety	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K	Analyses options for the future of funding to the local Voluntary and Community Sector (VCS) via the Third Sector Investment fund (3SIF).	<p>Ward(s): All Wards</p> <p>Contact officer: Rebecca Richardson, Katharina Herrmann Tel: 07827879659, rebecca.richardson@lbhf.gov.uk, Katharina.Herrmann@lbhf.g</p>	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
			ov.uk	<b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	12 Feb 2024  Reason: Expenditure/Income - Revenue between £500,000 and £5m and Capital between £1.5m and £5m	<b>Investing in New Affordable Homes in Fulham</b>  Acquiring new homes in Kings Road Park	Cabinet Member for the Economy  Ward(s): Sands End  Contact officer: Matthew Rumble  matt.rumble@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	12 Feb 2024  Reason: Affects 2 or more wards	<b>Parking Strategy</b>  The purpose of this document is to identify key proposals which will support the ever changing demands of parking within the borough. They are designed to improve resident's, visitors, and businesses' experience of travel within the borough.	Cabinet Member for Public Realm  Ward(s): All Wards  Contact officer: Mark Fanneran  mark.fanneran@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.

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Cabinet	12 Feb 2024	<b>FOUR YEAR CAPITAL PROGRAMME 2024/25 AND CAPITAL STRATEGY 2024/25</b>  This report presents the Council's four-year Capital Programme	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
	Contact officer: Andre Mark Tel: 020 8753 7227 andre.mark@lbhf.gov.uk			
Cabinet	12 Feb 2024	<b>CAPITAL PROGRAMME MONITOR &amp; BUDGET VARIATIONS, 2023/24 (THIRD QUARTER)</b>  This report provides a financial update on the council's capital programme and requests approval for budget variations to the capital programme.	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
	Contact officer: Andre Mark Tel: 020 8753 7227 andre.mark@lbhf.gov.uk			
Cabinet	12 Feb 2024	<b>REVENUE BUDGET AND COUNCIL TAX LEVELS 2024/25</b>  Proposals for the Council's revenue budget and council tax levels for 2024/25	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet</b>
	Reason: Affects 2 or more wards		Ward(s): All Wards	
	Contact officer: Andre Mark Tel: 020 8753 7227 andre.mark@lbhf.gov.uk			

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
				<b>Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	12 Feb 2024  Reason: Budg/pol framework	<b>Treasury Management Strategy Statement</b>  This report sets out the Council's Treasury Management Strategy for 2024/25	Ward(s): All Wards  Contact officer: Sukvinder Kalsi  Sukvinder.Kalsi@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	12 Feb 2024  Reason: Affects 2 or more wards	<b>HOUSING REVENUE ACCOUNT (HRA) BUDGET FOR 2024/25</b>  This report sets out the HRA budget proposals for the financial year 2024/25.	Cabinet Member for Finance and Reform  Ward(s): All Wards  Contact officer: Andre Mark, James Newman Tel: 020 8753 7227, andre.mark@lbhf.gov.uk, james.newman@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.



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Cabinet	12 Feb 2024	<b>School Budget (Dedicated Schools Grant) 2024/25</b>  To approve the schools budget funding formula for allocating resources to H&F schools for the financial year 2024/25	Cabinet Member for Children and Education	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards  Contact officer: Tony Burton  tony.burton@lbhf.gov.uk	
Cabinet	12 Feb 2024	<b>Insurance Tender 2014 – 2029</b>  This report sets out the recommended contract awards for the Councils Insurance programme for the following contracts: Property, Combined Liability, Leasehold Buildings, Directors & Officers, Terrorism, Motor, Crime, Personal Accident & Travel, School Journey insurances and associated Engineering Inspection services for contract commencement date of 1 April 2024	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards  Contact officer: Beverly Mills, Ray Chitty Tel: 07739 315 565 beverly.mills@rbkc.gov.uk, Ray.Chitty@rbkc.gov.uk	
<b>CABINET - 4 March 2024</b>				
Cabinet	4 Mar 2024	<b>Delivering Affordable Homes on Old Laundry Yard</b>  This report details the agreement to secure affordable homes on the site known as Old Laundry Yard.	Cabinet Member for the Economy	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five
	Reason: Expenditure/Income over £5m &		Ward(s): Shepherds Bush Green	

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	policies or new income, reserves use, overspend over £300K		Contact officer: Matthew Rumble  matt.rumble@lbhf.gov.uk	working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	4 Mar 2024  Reason: Budg/pol framework	<b>Health and Wellbeing Strategy</b>  Hammersmith & Fulham's 2023 - 2028 Health and Wellbeing Strategy sets out our vision for improving the health and wellbeing of those in the borough, and reducing health inequities through empowerment, collaboration and innovation.	Deputy Leader  Ward(s): All Wards  Contact officer: Dr Nicola Lang, Jessica Dawson  Nicola.Lang@lbhf.gov.uk, jessica.dawson@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	4 Mar 2024  Reason: Budg/pol framework	<b>Digital Inclusion Strategy</b>  This report presents a new Digital Inclusion Strategy for the borough, which has been co-produced with council directorates and residents. Residents and voluntary and community sector (VCS) partners have been actively engaged and shaped the strategy through the Digital Accessibility Group.	Cabinet Member for Finance and Reform  Ward(s): All Wards  Contact officer: Tina Akpogheneta Tel: 020 8753 5748 Tina.Akpogheneta@lbhf.gov.uk	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the

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				3-day call-in.
Cabinet	4 Mar 2024	<p><b>Pan London Housing Compact commitments to young people leaving care</b></p> <p>This report recommends adopting the guiding principle that care leavers up to the age of 25 should, if possible, be found as being in 'priority need' under homelessness legislation and that, if possible, no care leaver up to the age of 25 should be found intentionally homeless.</p>	Cabinet Member for Children and Education	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Expenditure/Income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	
Cabinet	4 Mar 2024	<p><b>Becoming a Partner of the Care Leaver Covenant</b></p> <p>Becoming a Partner of the national Care Leaver Covenant demonstrates our commitment to going beyond our statutory duty in supporting the young people leaving our care. As a partner, we will work as a whole Council alongside the Care Leaver Covenant to engage local businesses, community organisations and other partner services, building an enhanced localised offer for our care leavers and supporting them to become healthy, thriving adults.</p>	Cabinet Member for Children and Education	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.</p>
	Reason: Budg/pol framework		Ward(s): All Wards	
Cabinet	4 Mar 2024	<p><b>Procurement Strategy for Cleaning Services on Housing Land</b></p> <p>Competitive procurement exercise to appoint a contractor to carry out</p>	Cabinet Member for Housing and Homelessness	<p>A detailed report for all decisions going to <b>Cabinet</b> will be available at</p>
	Reason: Expenditure/Income over		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
	£5m & policies or new income, reserves use, overspend over £300K	cleaning services in communal and shared areas on housing land.	Contact officer: Emma Lucas Tel: 07827883247 Emma.Lucas@lbhf.gov.uk	least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
Cabinet	4 Mar 2024	<b>Early Years Dedicated Schools Grant Budget 2024/25</b>  To approve the Early Years Dedicated Schools Grant budget for the financial year 2024/25	Cabinet Member for Children and Education	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	

**CABINET - 15 April 2024**

Cabinet	15 Apr 2024	<b>Procurement Strategy for Mental Health Supported Housing</b>  Procurement strategy for our mental health supported housing in borough contracts.  PART OPEN  PART PRIVATE Part of this report is exempt from disclosure on the grounds that it contains information relating to the	Deputy Leader	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions and Officer Decisions</b>
	Reason: Expenditure/ income over £5m & policies or new income, reserves use, overspend over £300K		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet (other relevant documents may be submitted)
		financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	v.uk, Michele.Roberts@lbhf.gov.uk	reports will be published at the start of the 3-day call-in.
Cabinet	15 Apr 2024	<b>Hate Crime Strategy 2024-2028</b>  This report will present a new Hate Crime Strategy for Hammersmith and Fulham	Cabinet Member for Social Inclusion and Community Safety	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	
Cabinet	15 Apr 2024	<b>2023/24 Corporate Revenue Monitor - Month 9 (December 2023)</b>  To note the Council's financial forecast position	Cabinet Member for Finance and Reform	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards	

Decision to be Made by (Cabinet or Council)	Date of Decision-Making Meeting and Reason	Proposed Key Decision  Most decisions are made in public unless indicated below, with the reasons for the decision being made in private.	Lead Executive Councillor(s), Wards Affected, and officer to contact for further information or relevant documents	Documents to be submitted to Cabinet ( <i>other relevant documents may be submitted</i> )
Cabinet	15 Apr 2024	<b>Retrofit Strategy</b>  The Retrofit Strategy will provide H&F with a detailed understanding of the required approach to achieve net zero carbon emissions by 2030 on the HRA stock.	Cabinet Member for Housing and Homelessness	A detailed report for all decisions going to <b>Cabinet</b> will be available at least five working days before the date of the meeting. <b>Cabinet Member Decisions</b> and <b>Officer Decisions</b> reports will be published at the start of the 3-day call-in.
	Reason: Affects 2 or more wards		Ward(s): All Wards  Contact officer: Rehan Khan  rehan.khan@lbhf.gov.uk	